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L A W S

OF THE

STATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY,

**COMMENCED AND HELD AT DOVER, ON TUESDAY, THE
FIRST DAY OF JANUARY,**

A. D. 1861,

AND OF THE

INDEPENDENCE OF THE UNITED STATES THE EIGHTY-FIFTH.

PUBLISHED BY AUTHORITY.

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L A W S

OF THE

STATE OF DELAWARE.

CHAPTER 1.

An Additional Supplement to the Act entitled, "An Act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) ^{Name changed to the bank of Wilmington and Brandywine.} That the name, style and title of the corporation, created by the act to which this is a supplement, be, and the same is hereby changed from that of "The President, Directors, and Company of the Bank of Wilmington and Brandywine," to that of "The Bank of Wilmington and Brandywine," by which last mentioned name the said corporation shall continue to have succession, and to have, use, and enjoy all the franchises, privileges, and powers which are granted to the said corporation by the aforesaid act to which this is a supplement, and the supplements thereto; and no misnomer of the corporation in any deed, will, testament, gift, grant, demise, contract, or other instrument shall vitiate the same, provided there be sufficient to ascertain the intent of the parties.

SECTION 2. *And be it further enacted,* That the increase of the capital stock of the said corporation divided into shares of thirty dollars each, authorized by the act entitled, "A further supplement to the act entitled, 'An act to incorporate the Bank of Wilmington and Brandywine, in the Borough of Wilmington,'" passed at Dover, February 13, 1855, and as therein limited, ^{How effected.} may be made by a sale of the said shares at the market value thereof, in such manner, and at such times and places, as may be fixed and determined by the Board of Directors of the said cor-

Certificates
of stock.

poration, who shall cause certificates of stock to be issued to the purchasers of the said shares, in like manner as similar certificates have been issued to other stockholders in the said bank.

Stockhold-
ers entitled
to one vote
for each
share of
stock held
three months
before time
of voting.

SECTION 3. *And be it further enacted*, That in all meetings hereafter of the stockholders of the said bank, annual or otherwise, in all elections upon all questions, and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him three calender months before the day of voting.

Governor to
be notified of
acceptance
of this act.

SECTION 4. *And be it further enacted*, That the President and Directors of the said bank shall, within six months from the passage of this act, certify to the Governor of this State, under the seal of the corporation, that this supplement has been submitted to a meeting of the stockholders of the said bank, regularly convened for the purpose, and that a majority in value of the said stockholders have approved and accepted the same.

Passed at Dover, January 15, 1861.

CHAPTER 2.

An Act to incorporate the Diamond State Marine Mutual Insurance Company.

Members
incorporated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That James C. Aikin, Joseph Tatnall, Charles Moore, William S. Hilles, William Tatnall, Jacob S. Weldin, David F. Craig, with such others as may become members by being insured in this Company, are hereby created a body corporate, by the name and style of the Diamond State Marine Mutual Insurance Company, for the purpose of insuring their respective vessels, their freights and cargoes, against loss or damage by fire, or the dangers of the seas, while on the stocks, in port or at sea, or employed in inland navigation, and the said corporation shall have all the legal incidents of a corporation aggregate.

Name.

Objects of
incorpora-
tion.

Affairs of
Company,
how con-
ducted.

President.
Vice-Pres-
ident.
Actuary.

SECTION 2. The affairs of the Company are to be conducted by an Executive Committee, consisting of nine members, to be elected by ballot at the annual meeting of the Company. They are to hold office for one year and until the due election of their successors. They shall elect one of their number to be President, and one to be vice-President, and shall also appoint an Actuary, and such Surveyors and other officers as may be needful to conduct the business of the Company.

SECTION 3. The Executive Committee shall have power by a

two-thirds vote of all the members, to make by-laws, and all other needful rules and regulations for the management of the business. It shall be their duty to fix the rates of insurance; to direct the issue of policies, to invest the funds of the Company; to examine and pass upon all claims for losses and damages; to direct payment to be made when claims are satisfactorily established, and to defend the interests of the Company against all fraudulent or suspected claims; and generally to do all other acts and things necessary and proper to be done to carry into effect the objects of the Company. In case of any member of the Executive Committee becoming a claimant for insurance effected in this Company, his seat in the Executive Committee shall be thereby vacated. A quorum shall consist of five of the members of the Committee. They shall have power to fill vacancies.

Executive
Committee,
power of.

Quorum.

SECTION 4. The Actuary is to keep exact minutes of the proceedings of the general meetings of the Company, of the Executive Committee, and of all committees whose proceedings may require it. He is to keep all the books and papers of the Company, (except notes of hand and other evidences of investment which are to be in the care of the President,) to have charge of the accounts, and to transact such other business as may be required by the Executive Committee. All the accounts of the Company are to be open at all proper times, to the inspection of all the members of the Company.

Duties of
Actuary.

Accounts of
Company to
be open to
inspection of
members.

SECTION 5. Insurance may be effected in this Company against marine risks, upon written application made to the Actuary, and filed in the office of the Company, which application shall truly and fully describe the property desired to be insured, and shall be and continue a part of the contract of insurance. The party insuring must in all cases make the required deposit in cash before the issue of the policy, and shall also give his note or obligation, drawn in such form, and payable in such mode, and with such security, as the Executive Committee may direct, for five times the amount of the cash deposit. The notes or obligations thus given by the insurers are to be held by the Company during the continuance of the risk; and in case of losses or expenses exceeding the amount of the cash assets of the Company, are to be taxed pro-rata to make up the deficiency. All payments so assessed or ordered by the Executive Committee, are to be made at the office of the Company within thirty days of the date of the call, and suits may be maintained by the Company against any of its members in case of their neglect or refusal to pay such assessments. Suits may also be maintained by the Company against any person or corporation for injuries to any vessel, or freight, or cargo, insured in the Company, whereby the said Company is injured; and suits may be maintained against the Company for any loss or damage claimed under any policy issued by the Company if payment be withheld more than sixty days after

Insurance,
how pro-
cured.

Cash depos-
its.
Deposit note.

Payments,
where made.

Suits against
members.

Persons
damaging
insured prop-
erty may
be sued.

Suits against
Company.

Members not
using dili-
gence to pre-
vent loss,
&c., not en-
titled to re-
cover.
In suits
against
members
Company to
recover full
amount of
premium
note.

Accounts.

proof of loss, proof of interest and adjustment exhibited to the proper officers of the Company. In such suits no member shall be entitled to recover against the Company, who shall not have used due diligence to prevent the loss of, or injury to the vessel, freight, or cargo insured. In case of any suit instituted by the Company against a member on his premium note, the Company may recover the whole amount of the note, with costs of suit, the balance remaining of which, after paying all assessments and costs, shall be returned to the party paying it.

Assessments
when made.

SECTION 6. A debit and credit account is to be kept with each insurer in this Company, in which all sums paid in by him, whether by way of cash deposit, or for assessments on notes, together with his share of interest or dividends collected on investments made by the Company, are to be placed to his credit; and he is in like manner to be charged with his share of all losses and expenses incurred by the Company while he is a member, calculated according to the proportion between his note and the total amount of taxable notes in the hands of the Company at the time such loss or expense is incurred. Should the losses and expenses at any time exceed the cash assets of the Company, the Executive Committee will immediately proceed to make up the deficiency by taxing the insurer's notes, as provided in Section 5. Any balance remaining to the credit of an insurer on the books of the Company, after the termination of his risk, and the discharge of all liabilities incurred during its continuance, is to be repaid to the party on demand.

Annual
meeting.

Notice.

General
meetings.

SECTION 7. The annual meetings of the Company are to be held on the first Thursday of October in each year, at the office of the Company, at 3 o'clock, P. M., of which at least 2 weeks notice must have been given in two newspapers of this State. The election is to be held at the same time, and is to close at 4 o'clock, P. M. General meetings may also be held at any time upon a requisition made by any five members, and due notice thereof given by the Actuary.

Word "sea,"
how under-
stood.

SECTION 8. The word "sea," wherever it occurs in this act, shall be understood to mean, apply, and extend to creeks, rivers, bays, harbors, and all other waters navigated by vessels insured in this Company, as well as to the ocean.

Privileges of
officers and
members of
old associa-
tion contin-
ued under
this act.

SECTION 9. And whereas the persons named in the first section of this Act, with other persons, by a constitution adopted on the twenty-fourth day of September, A. D. 1859, formed an association under the name of "The Diamond State Marine Mutual Insurance Company," for the purpose of Marine Insurance, and have elected officers, transacted the usual business of Marine Insurance Companies, issued policies and taken securities from persons insured in the name of trustees for the use of said association; and it being the object of this act to incorporate said association; therefore,

Be it enacted by the authority aforesaid, That all persons who now are members of the aforesaid association, according to the constitution thereof, shall be and they are hereby declared to be members of the corporation hereby created, with all the rights, and subject to all the duties and liabilities pertaining to membership in said corporation; and the several officers of the association at the time of the passage of this act shall continue to hold their respective offices as officers of the corporation hereby created, until the next annual election, any vacancy occurring previous to such election to be filled according to the provisions of this act, and all property, funds, or securities now held by said association, or by any person or persons in trust for the same, including choses in action which by the terms thereof are payable to any person or persons in trust for said association, shall by virtue of this act vest in and become the property of, and be sued for and recovered for the use of the corporation hereby created. And the said corporation shall by accepting this charter be deemed to have assumed, and shall be liable for, all contracts, agreements and responsibilities, which previous to the passage of this act have been entered into or incurred by the said association, or by any of its officers lawfully acting in its behalf. Its funds and securities to be vested in the corporation.

SECTION 10. This act shall be a public act, and shall continue in force for twenty years, and no longer unless renewed, but the corporation hereby created shall within sixty days after the passage hereof, certify to the Governor their acceptance of the same, and shall also at the same time pay to the Secretary of State for the use of the State the sum of ten dollars, or this act, and all the privileges and franchises hereby granted shall be null and void. Public act. Acceptance.

Passed at Dover, January 16, 1861.

CHAPTER 3.

A Further Additional Supplement to the Act entitled, "An Act to extend the time for Recording Deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all deeds or letters of attorney, concerning lands, tenements, or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and sixty-one, first being acknowledged or proved, and the acknowledgment or proof certified according to the laws of this State in force at the time when such acknowledgment or proof was made, may, with the certificate of the acknowledgment or proof, and all endorsements and annexations, be recorded in the office for recording of deeds in the Time for recording deeds extended to 1863.

county wherein such lands, tenements and hereditaments, or any part thereof are situated, if lodged in such office on or before the first day of January in the year of our Lord one thousand eight hundred and sixty-three, and the said record or a copy thereof shall be sufficient evidence; and from and after the first day of January in the year last aforesaid, no deed or letter of attorney, sealed before the first day of January, in the year of our Lord one thousand eight hundred and sixty-one, shall be recorded.

Passed at Dover, January 17, 1861.

CHAPTER 4.

An Act authorizing the Recorder of New Castle County to make an Indirect Mortgage Index.

Recorder of
New Castle
County to
make indi-
rect mort-
gage index.

From what
time.

Recorder
and succe-
sors to con-
tinue index.

Cost of book
and index,
how paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the present Recorder of Deeds, in and for the County of New Castle, shall provide one good, substantial, and well-bound book, in which he shall make a full and complete indirect index to all the mortgages of record in the Recorder's office in said county, from the time the said indirect index was discontinued, that is to say: from the year one thousand eight hundred and thirty-two, up to the present time; and that it shall be and is hereby made the duty of the present Recorder of Deeds in said county, and his successors in office, to continue said indirect index of mortgages, from and after the completion of the index authorized by this act, and that he, the said present Recorder of Deeds, shall be repaid the cost of said book by the Levy Court of said county, and shall receive for his services in making said index authorized by this act a just and reasonable compensation, to be allowed by the said Levy Court.

Passed at Dover, January 23, 1861.

CHAPTER 5.

An Act to incorporate the Union Hotel Company.

Members in-
corporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,) That* Henry G. Banning, Joshua Simmons, Daniel James, Spencer D.

Eves, Charles M. Allmond, Charles I. DuPont, Nathan T. Boul-
den, Evan C. Stotsenburg, John Wales, and George Richardson,
and their associates, and all persons who may now or hereafter
may be holders of the stock hereinafter mentioned, shall be and
they are hereby declared to be constituted a body politic or cor-
porate, by the style of Union Hotel Company, to have perpetual Name.
succession, to be capable of suing and being sued, to have a Succession
common seal, and the same to alter and renew at pleasure, and Seal.
to have, hold, receive, enjoy and take, either by absolute convey- Powers.
ance, in fee simple or upon ground rent, and in case of a convey-
ance upon ground rent, with power to execute the necessary
covenant for the securing the payment thereof, such real estate as To purchase
may be necessary and proper for the construction of a hotel in Property.
the City of Wilmington, of New Castle County, with such sup- Where.
plementary buildings as may be adapted to and form part of the
general plan and design thereof, for the accommodation and use For what
of any parties who may be desirous of renting and occupying the purpose.
same; and the said real estate, or any part thereof, when in the
opinion of the said corporation it may be proper so to do, to sell May sell or
and convey to any person or persons who may be desirous of convey.
purchasing the same: *Provided, however,* That if the said Com- Proviso.
pany or their lessees, with their knowledge, shall knowingly per-
mit any intoxication or gambling in their said house, the privi-
leges hereby granted shall cease.

SECTION 2. That the capital stock of said corporation shall not Capital stock
exceed sixty thousand dollars, divided into six hundred shares of \$60,000.
one hundred dollars each, and that it shall be held as personal How divided
property, and as such be transferred, under such regulations as Stock per-
sonal property
the corporation shall judge convenient.

SECTION 3. That a general meeting of the corporators shall be Annual
annually held on the first Monday of May, for the election of five meetings.
managers, and the transaction of other business; but if such
meeting or election shall not then take place, the corporation shall
not for that cause be dissolved, but such meeting or election shall
take place as soon thereafter as may be, one week's public notice Notice.
thereof being first given in at least two newspapers published in
the City of Wilmington.

SECTION 4. The said Company shall have power to issue bonds Bonds.
to one-half the amount of the capital stock, secured by mortgage How secured
upon the real estate owned by the said Company, the said bonds
to bear interest at the rate of six *per centum per annum*, and may Rate of in-
be sold at any rate of discount deemed advisable by the managers, terest.
or a majority of them: *Provided,* That the bonds shall not be Proviso.
issued for a less sum than two hundred and fifty dollars each.

SECTION 5. That the election of managers shall be by ballot, Election of
from among the corporators; and that in the enactment of by-laws managers.
for the government of the corporation and its officers, and in the

decision of all questions, whether of election of officers or disfranchisement of corporators, either because of their delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all questions of the meetings of the corporation, the corporators present, either in person or by proxy, shall severally vote once for each share of stock held by them.

Each share
of stock entitles
holder to
one vote.

Managers
term of office
Duties.

SECTION 6. That the managers shall continue in office until their successors be elected, shall elect a President, and other officers from among themselves, shall supply vacancies in their number, whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators: three members shall be a quorum at these meetings.

SECTION 7. That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be managers of the said corporation, and have authority as such.

Revocation.

SECTION 8. That if the said corporation shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may at any time resume all and singular the rights, liberties, privileges and franchises hereby granted to the said Company, and this act shall be deemed and taken to be a public act.

Passed at Dover, January 24, 1861.

CHAPTER 6.

An Act to authorize the laying out a Public Road in Kent County.

Persons ap-
pointed to
view and
lay out road.

Course.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Daniel Curry, Henry B. Fiddeman, Stephen M. Collins, Joshua H. Hill and Clement L. Sharp, be and they are hereby appointed Commissioners to open a public road in Milford Hundred, Kent County, beginning at the eastern end of Front street, of the town of Milford, in said hundred and county, thence eastwardly, through lands of the heirs of Dr. James P. Lofland, deceased, lands of George S. Adkins, near a landing called Paul Knabs, on Mispillion Creek, thence [in a] northeastwardly direction through lands of the aforesaid G. S. Adkins, Henry May, Samuel Paisly, to intersect an old road near the outer gate on the lands of W. N. W. Dorsey, thence with the aforesaid old road through the aforesaid Dorsey lands in a northeastwardly direction, and through lands

devised by the late Benjamin Potter to the poor of Kent County, out to or intersecting the public road near the New Wharf: the aforesaid public road to be laid out to be as straight as circumstances will admit from the aforesaid Paul Knabs landing to the New Wharf. And the aforesaid Commissioners, or a majority of them, shall have authority, and they are hereby required, to cause the same to be surveyed and opened, as aforesaid, and to assess any damage which may accrue to the owner or owners of said lands through which the said public road shall pass. Assessment of damages.

SECTION 2. *And be it further enacted*, That the aforesaid Commissioners shall cause a map of the courses and distances of the aforesaid public road, to be laid out, to be returned to the Clerk of the Peace, in and for Kent County, to be by him laid before the Levy Court of said county aforesaid. And if the aforesaid Levy Court approve of the aforesaid road so laid out, they then may make such allowances as will be necessary to open and make the aforesaid road. Map to be made. To be laid before Levy Court. Allowance.

SECTION 3. *And be it further enacted*, That the Commissioners before entering upon the duties hereinbefore mentioned, shall be severally sworn or affirmed to perform the duties imposed upon them by said act faithfully and impartially, according to the best of their skill and judgment; and shall receive, for every day they are engaged in the performance of their duties under this act, the sum of one dollar each. Commissioners to be sworn or affirmed. Compensation.

Passed at Dover, January 24, 1861.

CHAPTER 7.

An Act to amend Chapter Six Hundred and Fifty-nine of the Eleventh Volume of the Laws of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, (two-thirds of each branch thereof concurring therein,) That the word "next," in the ninth line of Section 1 be stricken out, and the words, "A. D. eighteen hundred and sixty-one," be inserted in lieu thereof; and also that after the word "number," in the fifth line of Section 6, the following words shall be inserted, "one of the said Directors shall not be eligible to re-election at the next annual election;" and also that the word "meeting" be inserted after the word "first," in the eleventh line of Section 7, and also that the word "two" be stricken out of the fourth line of Section 11, and the word "four" be inserted in lieu thereof. Chap. 659, Vol. 11, amended.

Passed at Dover, January 24, 1861.

CHAPTER 8.

An Act authorizing the Recorder of Deeds of Kent County to copy Indices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Recorder of Deeds in and for the County of Kent be and he is hereby authorized to cause to be made a true and correct copy of the direct and reverse "Indices" to deeds in his office from the year, A. D. 1680, to the year, A. D. 1835.

Recorder of
Deeds of
Kent County
to copy in-
dices.

From what
time.

SECTION 2. *And be it further enacted,* That if the Recorder shall copy said "Indices" as aforesaid, then that Eli Saulsbury and N. B. Smithers, Esquires, be and they are hereby appointed Commissioners, whose duty it shall be to examine the said "Indices," after the Recorder shall have completed them, and if they approve of the execution thereof, they shall certify the same to be a true and correct copy, and that then, and after such certificate, the said copy shall become and be the "Indices."

Commission-
ers examine
and compare
indices.

Certificate.

Compensa-
tion.

SECTION 3. *And be it further enacted,* That they shall also certify the completion of said copy to the Levy Court of Kent County, who shall pay to the said Commissioners and Recorder a just and reasonable compensation for their services.

Passed at Dover, January 24, 1861.

CHAPTER 9.

An Act to incorporate the Appoquinimink and Maryland Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That Samuel Townsend, Richard H. Armstrong, John Townsend, Thomas Scott, John M. Naudain, John C. Patterson, William Wilson, Robert A. Cochran, Thomas Murphy, Levi W. Lattomus, and Gideon E. Barlow, be and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say, they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the Appoquinimink and Maryland Railroad Company; and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any

Commission-
ers appoint-
ed.

Their duties.

number of shares in said stock. The capital stock of said Com- Capital stock
pany shall not exceed one hundred thousand dollars, divided into How divided
four thousand shares of twenty-five dollars each.

SECTION 2. *And be it further enacted as aforesaid,* That when
and as soon as one thousand shares of capital stock in the said
Company shall be subscribed as aforesaid, the subscribers, their
successors and assigns, shall be and they are hereby incorporated, Company in-
corporated.
Name.
by the name and title of "The Appoquinimink and Maryland
Railroad Company," and by that name, the subscribers shall have
perpetual succession, and be able to sue and be sued, plead and
be impleaded, in all courts of record and elsewhere, and to pur- Power.
chase, receive, have, hold, and enjoy, to them and their succes-
sors, real and personal estate of every kind whatsoever, and the
same to grant, mortgage, sell, alien and dispose of, and to declare
dividends of such portions of the profits of the said Company as
they may deem proper; also to make and have a common seal,
and the same to alter and renew at pleasure, and also to make
and ordain by-laws and regulations for the government of the
said corporation, not inconsistent with the Constitution and laws
of the United States, and of this State, and generally to do all
and singular the matters and things which to them it shall law-
fully appertain to do, for the well-being and ordering of the same:
Provided, That nothing herein contained shall confer any banking Banking
privileges
prohibited.
privileges on said Company, or any other liberties, franchises, or
privileges but those which are properly incident to such a cor-
poration.

SECTION 3. *And be it further enacted as aforesaid,* That as soon as First meet-
ing, when
and where
held.
one thousand shares shall be subscribed as aforesaid, the said Com-
missioners, after giving at least ten days notice thereof, in two or
more newspapers published in this State, shall call a meeting of
the subscribers at Townsend, in New Castle County, to organize
the said Company by the choice and appointment of officers as
hereinafter mentioned, and which meeting shall be held at such
time as shall be appointed in said notice.

SECTION 4. *And be it further enacted as aforesaid,* That there shall Annual
meetings.
be an annual meeting of the stockholders on the second Tuesday
of January in each and every year, at Townsend aforesaid, for
the purpose of electing Directors, and for the transaction of other
business. In all meetings of the stockholders, regularly convened,
those present may proceed to business; and all questions shall be
determined by a majority of the votes given. All elections by Elections to
be by ballot.
stockholders shall be by ballot, and all votes shall be given in
person, or by proxy, and each share of stock shall entitle the
owner to one vote. Occasional meetings of the stockholders may Occasional
meetings.
be called, and at such place as the President and Directors may
deem expedient.

SECTION 5. *And be it further enacted as aforesaid,* That at the

first meetings of stockholders to be held under the call of said Commissioners, and at every annual meeting of the stockholders to be held thereafter, as aforesaid, they shall elect nine Directors, and a Treasurer; a majority of the Directors shall be citizens of this State, and all of them stockholders in the said Company. The first election of Directors and Treasurer shall be conducted by two of the said Commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the stockholders not in the Board, to be appointed by the Directors, for the time being, as judges for that purpose. The Directors, immediately after their election, shall proceed to choose one of their number to be the President of their Company, and of the said Board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary of the said Company, who shall continue in office for the term aforesaid, and until his successor shall be duly appointed, unless sooner removed for sufficient cause by the Directors. They shall require of the Treasurer, on his appointment, a bond with sufficient security for the performance of the duties of his office, and the faithful discharge of the trust reposed in him by the said Company. A majority of the whole number of Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a Chairman of the Board *pro tempore*. Vacancies in the Board of Directors, and the offices of President, Secretary, and Treasurer, may be filled by the remaining Directors, to continue as aforesaid.

Directors, how chosen. Treasurer.

Election of Directors, how conducted.

President. Term of office of Directors.

Secretary, term of office.

Bond of Treasurer.

Quorum.

Vacancies.

Meetings, where held.

Powers of Directors.

SECTION 6. *And be it further enacted as aforesaid,* That the said President and Directors shall hold their meetings at Townsend aforesaid, and in such other places as they may deem expedient on the line of said road; and the said Directors shall have the general direction, conduct and management, of the property and works, affairs and operations of the said Company, and for that purpose shall have power to appoint, engage, and employ all such officers and agents, engineers, contractors, and workmen and laborers, as they shall deem necessary, and to fix the salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bond from them, or any of them, with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars and other equipments and supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said Company. They shall have full power to do all acts that may be necessary to effect the purposes for which the

said Company is hereby incorporated; and to this end to use the capital stock and funds of the said Company, and to bind by their contracts, under the seal of the said Company and the hand of the President, all the property and estate of the said Company. They shall also have power to make and prescribe the by-laws and regulations for the government of the said Company, and to provide certificates of stock under the seal of the said Company, and the signature of the President, and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act, and the by-laws and regulations of the Company they shall be authorized to do.

SECTION 7. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said Company the installments of each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said Directors; and if any subscriber shall omit for thirty days after any such call, to pay any such installment, at the time and place appointed in said notice, he shall pay in addition to the said installment at the rate of two per cent. per month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the Company, at the option of the Directors. All sums of money which shall accrue to the Company under this section, may be sued for and recovered as debts of like amount are recoverable by the laws of this State: *Provided,* That no stockholder shall be entitled to vote at any election, or in any meeting of the said Company, on whose share or shares any installment shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time.

SECTION 8. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said Company, and cause the same, signed, sealed, and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, in the method prescribed in the by-laws of the Company. And the assignee of any such certificate so transferred, shall be a stockholder in said Company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures, and penalties due, or to become due thereon as the original subscriber would have been.

SECTION 9. *And be it further enacted as aforesaid,* That the said President and Directors shall from time to time make and declare dividends of the nett profits of the business of the Company, or

of such portions of such profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them. And at such annual meeting of the stockholders it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the Company for that year.

When declared.

Report of President and Directors.

Company may construct a railroad.

Where.

Course.

May unite with Delaware Railroad and Kent County Railroad.

Terms, how specified.

May enter upon land.

Condemnation of lands for road; how procured.

SECTION 10. *And be it further enacted as aforesaid,* That the said Company be and they are hereby authorized to survey, locate, and construct a railroad, with one or more tracks, as follows, that is to say: to begin at the siding, at the south end of the switch at Townsend, on the Delaware Railroad, and from the said point so fixed on the Delaware Railroad aforesaid, to run by the most direct and eligible line, or route, to the line dividing the State of Delaware and the State of Maryland; to intersect said State, or dividing line from the aforesaid place of beginning at such point, or near as practicable, in a direct line from the aforesaid place of beginning, to such point on the State line at the intersection where the Smyrna and Head of Sassafas road crosses the State line, or to such other point on said State line within one and a half miles south of where said road crosses said State line, nearest to and in the most direct line of the Kent County Railroad, in the said State of Maryland, and to intersect and connect with the said Kent County Railroad, at such point on said last mentioned railroad, in said State of Maryland, as may be selected and fixed upon by the said Company hereby incorporated, and to connect and unite their said railroad with the Delaware Railroad aforesaid, with the assent of the Delaware Railroad Company; and also to connect and unite their said railroad with the said Kent County Railroad, in said State of Maryland, with the assent of the President and Directors of the said Railroad Company, upon such terms and conditions as shall be arranged and agreed upon by the said Railroad Companies respectively, to be reduced to writing, and authenticated under the seals of the said Companies respectively. And for the purposes of surveying, locating, and constructing the said railroad as aforesaid, the said Company shall have full authority to enter upon any land, public or private property, necessary therefor; and to procure sand, gravel, wood, and other materials therefrom; and to obtain right and title to the same as hereinafter provided.

SECTION 11. *And be it further enacted as aforesaid,* That whenever any land, earth, sand, gravel, or other materials necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner thereof, by agreement between him and the said Company, the latter may apply to the Superior Court of New Castle County, or to any Judge thereof in vacation, first giving the other party at least five days notice,

in writing, of the intended application, if within this State, and the said Court or Judge shall appoint five judicious and impartial freeholders to view the premises, and assess the damages which the owner or owners will sustain by reason of the said railroad's passing through it, in taking and using the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within this State, and the same to the President of the said Company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands, or the hands of a majority of them, to both parties; but if either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court in and for New Castle County, within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final: *Provided, always*, that the minimum amount of damages awarded in any case, shall be the actual cash value of the land, earth, sand, gravel, or other materials, so to be taken and used as aforesaid; whereupon the damages so assessed being paid by the said Company to the party entitled, or into said Court for his, her, or their use, whether they be under any disability, or, in or out of this State, the title to the land and premises described and condemned in said report for the purposes aforesaid, shall be absolutely vested in the said Company, their successors and assigns. The fees of the said freeholders and Prothonotary in all such proceedings shall be fixed by the said Court, and in all cases shall be paid by the said Company.

Freeholders
to be sworn.
By whom.

Their duties.

Writ of *ad quod damnum*.

How procured.

Fees, by whom paid.

SEC. 12. *And be it further enacted as aforesaid*, That it shall be the duty of the said Company to construct and keep in repair good and sufficient passages across such railroad, where any public road shall cross the same, so that carriages, horses, persons, and cattle, shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said Company, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad for the use of the said farm, and also to erect and maintain along the whole line of said railroad, on both sides thereof in this State, (before the said railroad shall go into operation,) a good and substantial fence, so as not to obstruct the travel on the public carriage roads, in the said Appoquinimink hundred.

Crossings.

Fences.

SEC. 13. *And be it further enacted as aforesaid*, That if any person or persons shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the

Penalty for injury to works of Company

works, cars, or other property of the said Company, any person or persons so offending shall be liable to the said Company in a civil action for double the damages sustained; and shall moreover be guilty of misdemeanor, and on indictment and conviction, shall be fined not exceeding one thousand dollars, at the discretion of the Court.

Failure to
elect officers
not to dis-
solve corpora-
tion.

SEC. 14. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said Company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold and have such election, at any time afterwards, on giving ten days notice thereof in two newspapers published in this State, of the time and place of holding such election, and it shall be lawful for the Governor of this State, for the time being, to supply any vacancy or vacancies that may occur among the Commissioners appointed by this act.

Tax to the
State.

SEC. 15. *And be it further enacted as aforesaid,* That the said Company shall pay semi-annually into the Treasury of this State, a tax at the rate of one-half of one per cent. per annum on the capital stock of the said Company actually paid in, whenever the business of the said Company shall over and above its liabilities or expenses yield to the stockholders a profit or dividend on such stock, equal to the rate of nine per cent. per annum.

Public act.

SECTION 16. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, in all courts of law and equity in this State. And that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject, nevertheless, to the power of revocation for this [the] misuse or abuse of its privileges by the said Company, which is hereby reserved to the Legislature.

Revocation.

Passed at Dover, January 29, 1861.

CHAPTER 10.

An Act to amend an act entitled, "An Act to incorporate a Bank in Middletown, under the name of 'The Citizen's Bank of the State of Delaware, at Middletown.'"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring therein.) That the act, entitled, "An Act to incorporate a Bank in Middletown, under the name of 'The Citizen's Bank of the State of Delaware,

Chap. 609,
Vol. 11,
amended.

at Middletown," be and the same is hereby amended as follows, to wit: 1st. By striking out the word "seven," where it occurs in Sections 6 and 7, and inserting in lieu thereof the word "nine." 2d. By striking out the words "Three of the said Directors shall not be eligible for more than two years in succession," in Section 6, and inserting in lieu thereof the words, "One of the said Directors shall not be eligible to a re-election." 3d. By striking out the word "July," in line sixteen of Section 7, and inserting in lieu thereof the word "May." 4th. By adding to the sixth fundamental article of Section 9, after the word "bank," the words "deposits not included." 5th. By inserting after the word "centum," and before the word "on," in line three of Section 10, the words "per annum."

SECTION 2. *And be it further enacted,* That the said act of incorporation shall be read and construed as hereby amended, and shall be so published in all future editions of the laws of this State.

Passed at Dover, February 1, 1861.

CHAPTER 11.

A Further Supplement to an Act entitled, "An Act to incorporate a Bank in the City of Wilmington, under the name of The Mechanics Bank," passed at Dover, February 14, 1855.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring.) That in case of a vacancy or vacancies in the Board of Directors of the Mechanics Bank, by death, resignation, removal from the State, or otherwise, the remaining Directors shall have power to fill such vacancy or vacancies from among the stockholders of said bank.

SECTION 2. *And be it further enacted,* That instead of three Directors being ineligible for re-election every two years, two Directors shall be ineligible every year.

SECTION 3. *And be it further enacted,* That so much of the act to which this is a further supplement, as inconsistent with, or repugnant to this act, be and the same is hereby repealed, made null and void.

Passed at Dover, February 5, 1861.

CHAPTER 12.

An Act authorizing the making of certain Indexes to the Records of the Superior Court in Sussex County.

Preamble.

WHEREAS by Chapter 337 of Volume 11 of the Laws of the State of Delaware, certain provision was made concerning the indexing of the Judgment and Continuance Dockets of the Superior Court in Sussex County; and whereas under said act but two of said records, to wit: the Judgment Docket, marked 1831 and 1836, have been indexed; and whereas all of the residue of said records, embracing some nine volumes, have no general index other than those annexed to each volume, some of which are becoming effaced and worn by time and repeated use, occasioning great inconvenience to the public; therefore,

Prothonotary to provide books.

To make index to Judgment and Continuance Dockets.

Commissioners to examine and compare.

To make certificate.

Compensation fixed by Commissioners.

How paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* John Turpin Moore, the present Prothonotary of the Court of the State of Delaware in Sussex County, shall two or more good, substantial, and well bound books, in which shall make a full and complete direct and reverse index to the Judgment and Continuance Dockets of the Superior Court in Sussex County, for the indexing of which no provision has heretofore been carried into effect.

SECTION 2. *And be it further enacted,* That Jacob Charles M. Cullen be, and they are hereby appointed Commissioners, whose duty it shall be to examine the said transcripts of said Judgment and Continuance Indexes, after their approval as aforesaid, and if they approve of the execution thereof shall certify the same to be a true and faithful transcription; then and after such certificate, the said books containing said Indexes so as aforesaid ordered to be made, shall be indexed to the Judgment and Continuance Dockets of the Superior Court, in lieu of the indexes now used there. The said Commissioners shall also fix the sum to be paid to John Turpin Moore for his services upon the completion and report the same to the Levy Court of Sussex County; their certificate, and thereupon it shall be the duty of the Levy Court to pay to the said John Turpin Moore the sum aforesaid fixed by the said Commissioners, as also to the said Commissioners a just and reasonable compensation for their services.

Passed at Dover, February 6, 1861.

CHAPTER 13.

An Act to amend Chapter 89, Section 25, of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 25 of Chapter 89 of the Revised Statutes of the State of Delaware be, and the same is hereby amended by inserting in line 4 of said Section, between the word "for" and the word "nursing," the words "medicine and medical attendance during the last sickness, and for"

Chapter 89,
Section 25,
Revised
Statutes,
amended.

Passed at Dover, February 7, 1861.

CHAPTER 14.

A Supplement to the Act entitled "An Act concerning the payment of Promissory Notes, Checks and Bills of Exchange."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 1, of Chapter 195 of the Laws of the State of Delaware be, and the same is hereby amended, by inserting in the fourth line of the said Section, immediately after the word "July," the words "or the day recommended by the Governor of this State as a day of Thanksgiving, commonly called Thanksgiving Day, whenever the same shall be so recommended."

Chapter 195,
Vol. 11,
Delaware
Laws,
amended.

Passed at Dover, February 7, 1861.

CHAPTER 15.

An Act authorizing the Prothonotary of Kent County to copy Indices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Levy Court of Kent County be, and they are hereby authorized, if in the judgment of the said court it shall be necessary, to cause to be made, by the Prothonotary of said county, a true and correct copy or transcript of the Indices of the judgments entered or signed in the Superior Court of the State of Delaware, in and for

Levy Court
authorized
to have
Judgment
Index of
Kent County
transcribed.

From what time. Kent County, from the year one thousand eight hundred and thirty-two to the April Term one thousand eight hundred and sixty-one, in a substantial and well bound book or books, to be provided by the said Prothonotary provided for that purpose.

Prothonotary to provide books. SECTION 2. *And be it further enacted,* That if the said Levy Court shall deem it necessary, that the Indices aforesaid should be copied or transcribed, then that Joseph P. Comegys and John B. Penington be, and they are hereby appointed Commissioners, whose duty it shall be to examine the said transcript or copy of said Judgment Indices after the said Prothonotary shall have completed it, and if they approve of the execution thereof, they shall certify the same to be a true and faithful transcript, and that then, and after such certificate, the said transcript or copy shall become and be the Indices to judgments entered or signed in said Superior Court, for the time aforesaid, in lieu of the Indices now used therein, and the said Commissioners shall also certify the completion of said transcript or copy to the Levy Court of Kent County, who shall pay to the said Commissioners and Prothonotary a just and reasonable compensation for their services.

Commissioners to examine index.

Certificate.

Compensation. How paid

Passed at Dover, February 12, 1861.

CHAPTER 16.

An Act to incorporate Shawnee Tribe, No. 5, Improved Order of Red Men, Smyrna, Delaware.

Members incorporated. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of the members of each branch thereof concurring,) That A. P. Rush, William R. McFarlane, John E. Mount, Leopold Kind, William Meredith, William N. Ransom, James G. Meredith, Joseph Evans, Charles D. Letherbury, Edward McDonald, William P. Legg, Joshua Hoyle and C. H. Hackett, and such other persons as now are or hereafter may become members of Shawnee Tribe, No. 5, Improved Order of Red Men, located in the Town of Smyrna, in Kent County, State of Delaware, shall be, by virtue of this act, one body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, by the name, style and title of Shawnee Tribe, No. 5, I. O. R. M., Smyrna, Delaware.

Title.

Powers of Corporation. SECTION 2. *And be it further enacted,* That the said Corporation, and their successors, during the term of their corporate existence, shall be capable in law to purchase, take, receive and hold any lands, tenements, hereditaments, rents, leases, stocks, goods

and chattels, bonds, notes, mortgages or money, or any other property whatsoever, which may be devised, given or conveyed to, or received by the payment of fees, dues and fines, and also to grant, sell, let, bestow, assign or transfer the same, and do all other matters relating thereto by the name and title aforesaid; and shall have a common seal, with authority to break, alter and renew the same at pleasure; may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or elsewhere, in any and all manner of actions, suits, complaints, pleas, causes, and matters whatsoever.

SECTION 3. *And be it further enacted*, That the members of the Officers. Corporation shall have power to appoint or elect such officers as they shall deem necessary and proper to conduct the business of the said Corporation, and properly manage its affairs conformable to the provisions of this act and to the by-laws of the said Corporation, and from time to time make and establish such by-laws and rules as they shall deem proper and necessary for the good government thereof. *Provided* such by-laws and rules be not contrary Proviso. to the laws and constitution of this State or of the United States.

SECTION 4. *And be it further enacted*, That the said Corporation shall not have power to hold or possess in any manner, goods, chattels, rights, credits, lands or tenements, or any other property, the clear income of which shall exceed the sum of five thousand dollars, and shall not possess any banking powers, other than the Banking privileges prohibited. lending of money on security for permanent investment.

SECTION 5. *And be it further enacted*, That this act shall be Public act. deemed and taken to be a public act, and the power to revoke this charter at any time is hereby reserved to the Legislature.

Passed at Dover, January 29, 1861.

CHAPTER 17.

An Act to incorporate the Members of the Fame Hose Company, of the City of Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That George Members incorporated. W. Wilkins, John Hazel and Joseph H. Martin, and such other persons as are or may hereafter become members of the Fame Hose Company, of the City of Wilmington, according to the laws and constitution of said Company, shall be, by virtue of these presents one body politic and corporate in deed, fact, name, and in law, to have continuance for twenty years, and no longer, by

Name. the name of the Fame Hose Company of the City of Wilmington.

Powers of Corporation. SECTION 2. *And be it enacted*, That the said Corporation, by the name aforesaid, shall be capable to sue and be sued, plead and be impleaded, answer and defend, be answered and defended, in the Courts of law or equity, or in any other place whatsoever, and to purchase, take, and hold real estate and personal property, and to dispose of the same, and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants, whatsoever: *Provided, nevertheless*, That the said Corporation shall not take, have, hold, or possess, at any time any other real estate or property, house or houses, other than what shall and may be necessary for the purposes of the protecting, sheltering, and taking care of the carriage, hose, and other improvements and property of said Company, connected with the business and objects of the said Company, including a suitable room for holding the meetings of the Company, and *provided*, That the personal property of said Corporation shall not at any time exceed the value of five thousand dollars, and *provided further*, That the business and objects of said Corporation shall be, and the same are hereby limited and restricted to the usual and ordinary business and objects of such fire Companies.

Proviso.

Seal.

SECTION 3. *And be it enacted*, That it shall and may be lawful to and for the said Fame Hose Company of the City of Wilmington, and their successors, to have and use a common seal, with such device or devices as they [may] think proper, for sealing all and singular, deeds, grants, conveyances, contracts, bonds, and singular* other affairs touching or concerning said Corporation.

By-Laws.

SECTION 4. *And be it enacted*, That the members of said Corporation shall have power to appoint such officers as they may deem necessary or proper to conduct the affairs of the Company, and from time to time to make and establish by-laws, rules, and ordinances, not contrary or repugnant to the laws and constitution of this State, or of the United States, as they shall deem necessary and proper for the good government of said Company.

Revocation.

SECTION 5. *And be it further enacted*, That the right and power, at any time hereafter, to change, alter, annul, or revoke this act, and all and every the provisions of the same, are hereby reserved to the Legislature.

Public Act.

SECTION 6. *And be it further enacted*, That this shall be a public act.

Passed at Dover, January 30, 1861.

* So in original.

CHAPTER 18.

An Act further to amend the act entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, A. D. 1859, be, and the same is hereby amended as follows, to wit: By striking out the words "Thomas H. Denney, Alexander Laws and George W. Spicer, commissioners hereby appointed to superintend and conduct said last named improvements," in lines 35, 36 and 37 of Section 6, and inserting in lieu of the words so stricken out the words "the Leipsic Navigation Company."*

Act for the Encouragement of Internal Improvements amended.

Commissioners superseded.

SECTION 2. *And be it further enacted, That the said Thomas H. Denney, Alexander Laws and George W. Spicer, commissioners appointed by the act to which this is an amendment, are hereby authorized to account with and pay over to the "Leipsic Navigation Company" all moneys which they may have received by virtue of said act and appointment, and which have not been by them expended in pursuance of the provisions of said "Act for the Encouragement of Internal Improvements in the State of Delaware."*

SECTION 3. *And be it further enacted, That it shall be, and is hereby made the duty of the State Treasurer to pay to the said "Leipsic Navigation Company" all moneys now applicable or hereafter to become applicable to the appropriation for the improvement of the Creek leading up to Leipsic, as contemplated by the act to which this is an amendment, and which have not already been paid to the commissioners appointed in said act to receive the same.*

Passed at Dover, February 5, 1861.

CHAPTER 19.

An Act dividing Brandywine Hundred into Two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That for the purpose of holding elections for State and County officers in Brandywine Hundred, the said hundred shall be divided into

Brandywine Hundred divided into two election districts.

How divided two election districts, eastern and western. The Brandywine Eastern Election District shall be composed of all that portion of said hundred east of the following line, to wit: Beginning on the Delaware River at Quarryville Creek, thence with the several meanderings of the main branch of said creek until it intersects the Cabin Road, thence with said Cabin Road until it strikes the Folk Road at Talley's Corner, thence with the said Folk Road to Miller's Corner at the crossing of the said Folk Road and the Grub Road, thence with the said Grub Road until it strikes the Naaman's Creek Road, thence from the said intersection of the Grub Road with the Naaman's Creek Road in a straight line with the Grub Road until it strikes the Pennsylvania line. All that portion of said hundred west of said line to be called Brandywine West Election District.

Elections, where held. SECTION 2. The elections for the said Brandywine East Election District shall be held at the Tavern House called the "Practical Farmer," now occupied by John B. Grubb, and the elections for Brandywine West Election District shall be held at the Academy in Brandywine Village, as heretofore.

Electors to vote, where. SECTION 3. At the said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Assessor of the said hundred, and for Inspectors of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

Election laws to apply to election in said district. Exception. SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of Assessor and Inspector is qualified by the provisions hereinafter contained.

Assessor and Inspectors. SECTION 5. There shall be elected in accordance with the provisions of Chapter 17 of the Revised Statutes, one Assessor for Brandywine Hundred and one Inspector for each of the said districts. In such election for Assessor and Inspector, the Collector of said hundred shall be the presiding officer of Brandywine West Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle County in the month of March next previous to the election, shall be the presiding officer for Brandywine East Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law; and if at any election for Assessor and Inspector in said Brandywine East Election District a presiding officer shall not have been appointed or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The

Presiding officer, when and how appointed.

Levy Court of New Castle County shall at the time of the appointment, make provision for the furnishing by the Collector of a list of the voters of the said hundred to the person appointed as presiding officer as aforesaid.

SECTION 6. Immediately upon closing the election for Assessor and Inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges of the election in each of said districts shall make and sign certificates according to law of the election of Inspectors, varying from the form prescribed for that purpose by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as Assessor. Certificates of election.

SECTION 7. The said presiding officers and judges of both the said election districts, shall assemble on the day next succeeding said election, at 12 o'clock, M., at the place of voting in Brandywine West Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for Assessor. The candidate having the highest number of votes shall be declared duly elected Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and an equal number of votes, the Collector or presiding officer of said Brandywine West Election District shall give a casting vote, which shall elect the candidate in whose favor it is given. Presiding officers to assemble; when and where. The vote.

Passed at Dover, February 7, 1861.

CHAPTER 20.

An Act to incorporate the Dover Gas Light Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein,)* That Daniel Trump, Seneca E. Malone, Robert Taylor, David F. Burton, Charles N. Trump, John H. Cooper, A. B. Richardson, and Charles Trump, and their associates or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate, by the name and style of "The Dover Gas Light Company," and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all Persons incorporated. Name of Company. Powers.

Seal.

Courts and judicatories whatsoever, and also of contracting and being contracted with, relative to the business and objects of the said corporation, as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure, and they and their successors as aforesaid shall have power to lease or purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to make and execute their obligations for their liabilities created for the purchase money for the same, and other necessary effects of said corporation as they may decree expedient: *Provided*, That such liabilities shall be created only for the purposes stated in this act.

Proviso.

Objects of incorporation.

SECTION 2. That the corporation hereby created is so created for the purpose, and for such purpose shall have authority of supplying gas to light the town of Dover, and such individuals residing therein as may desire a supply of the same; and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing, distributing, and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any public street, lane, or highway for the purpose of laying down the pipes necessary for conducting said gas, and to repair, alter, and inspect the same, doing as little damage as possible to the streets, lanes, and alleys, and repairing the injury that may be done to the same, with as little delay as possible, and securing the citizens from accident and danger whilst so laying down or repairing their pipes.

Right to enter streets to lay pipe, &c.

Capital stock

How divided

May be increased.

SECTION 3. That the capital stock of the said Company shall be fifteen thousand dollars, to be divided into three hundred shares of fifty dollars each, with the right to increase said capital stock, from time to time, as the Board of Directors of said Company shall deem necessary: *Provided*, That the whole capital stock shall not at any time exceed thirty thousand dollars: and *Provided further*, That said Company may, in lieu of increasing their capital stock, be authorized, if the Board of Directors and a majority of the holders of the stock already subscribed shall so determine, to borrow money to an amount not exceeding the amount said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation, for the security of the repayment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon.

May borrow money.

Security.

Temporary management

SECTION 4. The management and control of the "Dover Gas Light Company" shall be vested in the persons named in the first Section of this act, until the period herein fixed for the regular election of Directors of said Company.

SECTION 5. There shall be an annual meeting of the stockholders on the first Tuesday in April, in each and every year during the continuance of the corporation. An election of Directors shall be held at the annual meeting before mentioned, in each and every year, at which five Directors shall be elected. If said meeting shall not take place, or said Directors shall not be elected on the day appointed, the corporation shall not for that reason be dissolved, but the Directors then in office shall continue to perform all their duties, and shall retain all their powers until such meeting shall take place, and such election be made. Occasional meetings of the stockholders may be called in the manner prescribed by the by-laws. All elections shall be by ballot. The stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for every share, and the stockholders who may be absent from such meetings shall be entitled to vote by proxy in all elections, and on every subject and question which may come before the meeting; but no share shall confer a right to vote, unless the same shall have been *bona fide* held for one calender month prior to the meeting.

Annual meeting.

Election of Directors.

In case of non-election, &c.

Occasional meetings.

Elections to be by ballot.

Each share of stock entitles holder to one vote.

SECTION 6. Said Company shall procure certificates, or evidence of stock, for all the shares of the said Company, and shall deliver one such certificate, signed by the President, and countersigned by the Secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock as by him or her are respectively owned; which certificate of stock shall be transferable at his or her pleasure in person, or by attorney duly authorized, in the presence of the President or Secretary, in a book to be kept by the said corporation for that purpose.

Certificates of stock.

How transferred.

SECTION 7. The Board of Directors of said Company shall meet at such times and places as shall be provided in the by-laws of said Company; four of whom shall be a quorum, who in the absence of the President may choose a Chairman, and shall keep the minutes of their transactions fairly entered in a book; and a quorum being formed they shall have full power and authority to purchase lands, gas works or erect the same; to appoint all officers, and employ such assistants as shall be necessary to carry out the objects of this corporation; to direct what orders shall be drawn upon the Treasurer, which shall be signed by the President, and countersigned by the Secretary; to fix all salaries and rates for the use of gas; to enact by-laws for the proper regulation and government of said corporation, and generally to do such matters, acts, and things, as by this act and the by-laws of such corporation they are authorized to do.

Meetings of Directors.

Quorum.

Minutes.

Powers.

SECTION 8. The Board of Directors of said Company shall declare dividends of so much of the nett profits of the Company, as shall appear to them advisable, on the first Tuesday in April

Dividends.

When declared.

and October of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared.

Interference with gas pipes prohibited. SECTION 9. If any person or persons shall open a communication into the gas main or other gas pipe of said Company without authority from the Street Inspector, or other authorized agent of said Company, or shall let on the gas after it has been stopped by order of said Inspector, or other authorized agent of said Company, for repairs, or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas, without authority as aforesaid, he, she, or they shall be subject to a penalty of not less than five, nor more than fifty dollars, to be recovered before any Justice of the Peace, as debts of like amount are by law recoverable, one-half to be paid to the informer, and the other half to said Company.

Penalty.

Persons injuring gas works, &c., guilty of misdemeanor. SECTION 10. If any person shall wilfully or maliciously do, or cause to be done, any act or acts whatsoever, whereby any building, construction, or works of said Company, or any gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured, or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be therefor indicted in the Court of General Sessions of the Peace and Gaol Delivery, in and for Kent County, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the Court: *Provided*, That such criminal prosecution shall not in any way impair the right of said Company to a full compensation in damages by civil suit.

May be indicted.

Penalty.

Suit for damages.

Stock. How paid in. SECTION 11. Subscribers to the capital stock of said "Dover Gas Light Company" shall pay to the managers for the use of said Company, at the time of subscribing, the sum of five dollars on each share. The residue of the amount so subscribed for shall be paid in such manner, and in such installments, and at such times as the Directors shall appoint. At least ten days notice shall be given of the manner and time which they shall appoint for the payment of any installment. Such notice shall be by publication in one newspaper printed in Dover, or otherwise, as the Directors shall think proper.

Notice.

Neglect to pay installments. SECTION 12. That if any of the installments which may be called for as aforesaid, shall not be paid within thirty days next after the time in said call appointed for the payment thereof, the said Directors may either declare such share or shares forfeited on which default is made, in which case they may be disposed of at the pleasure of the corporation, or they may sue for and recover the installment or installments, or part or parts remaining unpaid.

Forfeiture.

SECTION 18. *And be it further enacted,* That this act shall be Public Act. deemed a public act, and the right of repeal is hereby reserved to Revocation. the Legislature.

Passed at Dover, February 15, 1861.

CHAPTER 21.

Supplement to An Act entitled "An Act to regulate the Building of Wharves in the City of Wilmington."

WHEREAS the Commissioners appointed by act of Assembly, ^{Preamble.} entitled "An Act to regulate the building of Wharves in the City of Wilmington," passed at Dover, February 6, 1855, did, in conformity with the provisions of said act, adjust and determine a certain limit on each side of the Christiana River, to which wharves may be hereafter extended; and whereas, in determining said line or limit they fixed and established a point at the foot of Orange Street, in said city, at the distance of four hundred and eighty feet from the southerly side of Water street, which point is eight feet and six inches inside of the end of a certain pier, built by J. & J. A. Harris previous to the establishing and fixing of said point or limit by said commissioners; and whereas, the said pier or projection is an obstruction to vessels coming to and departing from the wharves adjacent, and also causes the mud to settle there, and in front of the wharf or wharves in the vicinity, thereby lessening the depth of water; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: **SECTION 1.** That the line in the Christiana River to which wharves may be hereafter ^{Wharf line established.} built shall, at the foot of Orange street, in the City of Wilmington, extend out to the end of the pier of J. & J. A. Harris, being eight feet and six inches further into said river than the line established by the said commissioners, making the distance from the southerly side of Water street to the end of said pier four hundred and eighty-eight feet and six inches, instead of four hundred and eighty feet, as heretofore; making one straight line from the point fixed at the wharf of Joshua Simmons, to the end of the above mentioned pier of J. & J. A. Harris, and another straight line from the point heretofore established at the westerly side of Shipley street to the end of the before mentioned pier of J. & J. A. Harris.

Passed at Dover, February 7, 1861.

CHAPTER 22.

An Act to amend Chapter 99 of the Revised Statutes of the State of Delaware.

Chapter 99,
Revised Sta-
tutes amend-
ed.

Judgments
recovered
before Jus-
tice, and
stay of ex-
ecution en-
tered, trans-
ferred to
Prothono-
tary's Dock-
et, become
liens against
real estate of
defendant.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 99 of the Revised Statutes of the State of Delaware, be, and the same is hereby amended as follows, viz: By inserting immediately after the word "apply" in the eleventh line of Section 13, the words: "And whenever a defendant or defendants in any such judgment shall have obtained a stay of execution as afore-said, the plaintiff or plaintiffs in such judgment may file a duly certified transcript of the docket entries of said judgment with the Prothonotary of the Superior Court in the county where such judgment was given, and the Prothonotary shall enter in his judgment docket the names of the parties, the amount of the judgment, and by what Justice rendered, the time from which interest runs, and the amount of the costs, with the true date of such filing and entry; and such judgment so transferred shall from that date become and be a lien on all the real estate of the said defendant or defendants in the county in the same manner, and as fully as judgments rendered in said Superior Court are liens, and may after the expiration of said stay of execution be executed and enforced in the same way as judgments of said court; and if any such judgment shall be lawfully assigned to a joint debtor or surety, the assignee shall have the benefit of this section. The fee to be paid to the Justice for making a transcript under this section shall be fifty cents, subject to the rules observed in the fee bill.*

Passed at Dover, February 8, 1861.

CHAPTER 23.

An Act authorizing the making of General Indexes to the Record Books of the Court of Chancery of the State of Delaware in and for Kent County, and the Orphans' Court of the State of Delaware in and for Kent County.

Preamble.

WHEREAS the indexes to the Record Books of the Court of Chancery and the Orphans' Court of the State of Delaware, in and for Kent County, have been made and kept for each book, and that no general index referring to all the said books has been made and kept; and whereas said practice has proved very inconvenient to persons making searches in said books, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Register of the Court of Chancery and Clerk of the Orphans' Court of the State of Delaware, in and for Kent County, be and he is hereby authorized to make or cause to be made true and correct copies or transcripts of the indexes to the record books of said Court, (excepting the index to the Recognizance Dockets of said Orphans' Court, which now have a general index) in substantial and well bound books, to be paid for by Kent County aforesaid.

Clerk to make indices

SECTION 2. *And be it further enacted, That* John B. Penington and Eli Saulsbury be, and they are hereby appointed Commissioners, whose duty it shall be to examine the said transcripts or copies of said indexes, after the said Register and Clerk shall have completed the same; and, if they approve of the execution thereof, they shall certify the same to be true and faithful transcripts, and that then, and after such certificate, the said transcripts or copies shall become and be the General Indexes to the record books of said Court of Chancery and Orphans' Court, in lieu of the indexes now used, and it is hereby made the duty of the present Register and Clerk of said Courts and his successors in office, to continue said General Indexes from and after the completion of the said transcripts, and the said commissioners shall also certify the completion of said transcripts or copies to the Levy Court of Kent County, who shall pay to the said Commissioners, and Register and Clerk, a just and reasonable compensation for their services.

Commissioners.
Certificate.
Compensation.

Passed at Dover, February 12, 1861.

CHAPTER 24.

An Act concerning the Town of Milford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the two acts entitled "An additional supplement to the act entitled 'An act directing the choosing of commissioners to regulate and repair the streets of Milford, and for other purposes,'" the one passed at Dover, February 14, 1853, and the other passed at Dover, February 28, 1855, be, and the same are hereby repealed, made null and void.

Acts passed Feb. 14, 1853 and Feb. 28, 1855, repealed.

SECTION 2. *And be it further enacted, That* an act entitled "An

Act passed
March 1,
1853, repeal-
ed.

act levying a tax on dogs in South Milford, in Sussex County," passed at Dover, March 1, 1853, be, and the same is hereby repealed, made null and void.

Town Com-
missioners
authorized
to abate nu-
isances.

SECTION 3. *And be it further enacted,* That the Commissioners of the Town of Milford, in Kent County, be, and they, or a majority of them are hereby authorized to abate nuisances within the limits of said town, and that all buildings, enclosures or pens, which occasion annoyance to the neighborhood generally, or to any family, by reason of disorderly conduct by the occupants thereof, or the purposes to which they are applied, or of the noisome and offensive smells proceeding therefrom, shall be subject to visitation from time to time by the Commissioners aforesaid, and shall by their order be quieted, cleansed and purified, or such enclosures or pens shall be removed to another place, or otherwise disposed of, as they may direct, according to the circumstances of the case: any refusal of the owner or the occupier thereof to comply with such order within such reasonable time as the said Commissioners shall direct, or to pay the expenses thereof, if the order is directed to be executed by the Town Constable, shall subject him, or her, so refusing, to [the] forfeiture of such sum, not less than five dollars, as the said Commissioners shall determine. The

Penalty for
refusal to
obey orders
of Commis-
sioners.

Commission-
ers author-
ized to take
measures for
preventing
accidents by
fire, &c.

said Commissioners shall also have power at any meeting to make an order to prevent accidents from fire by reason of stove pipes, or chimney fixtures, or otherwise, that may come to their knowledge, and to prevent fast driving or the racing of horses, or to prevent the doing of any act or thing which will in their opinion endanger the lives or property of the citizens, or from the nature of which will occasion a nuisance or annoyance to the neighborhood or to any family within the limits of the town of Milford aforesaid: and for a refusal to comply with such order, the party refusing shall incur such penalties as from the nature of the case the said Commissioners shall determine. All fines and forfeitures under this

Fines, how
collected and
appropriated

Commission-
ers to com-
plete curb-
ing and
paving.

section to be collected and appropriated under the provisions of the act entitled "An Act to amend the act entitled 'An act directing the manner of choosing Commissioners to regulate and repair the streets of Milford, and for other purposes,'" passed at Dover, February 13, 1841. And the Commissioners hereafter elected under this last mentioned act, and supplements thereto now in force, shall have power under the provisions of an act entitled "A supplement to the act entitled 'An Act to amend the act entitled 'An act directing the manner of choosing Commissioners to regulate and repair the streets of Milford, and for other purposes,'" passed at Dover, February 14, 1851, to complete such curbing and paving of the streets therein directed to be curbed and paved, as the former Commissioners failed to do, in compliance with said act.

Commission-
ers author-

SECTION 4. *And be it further enacted,* That the said Commissioners are hereby authorized to let out by contract all work

necessary to be done upon the streets, lanes, alleys, gutters, sidewalks and bridges of the said town, according to such terms as may be stipulated between the parties to such contract.

ized to contract for work to be done.

Passed at Dover, February 6, 1861.

CHAPTER 25.

An Act to incorporate the St. Jones' Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,) as follows,

viz: SECTION 1. The owners of the low grounds, marsh, and cripple, in Dover hundred, Kent County, and State of Delaware, situated upon and contiguous to St. Jones' Branch, and between the public road leading from Pearson's Corner to Dinah's Cross Roads, and the head of Du Pont's mill pond, shall compose a Company to be called, "The St. Jones' Branch Ditch Company,"

Owners to form a Company.

for the purpose of effectually draining, ditching, and reclaiming the said low grounds, marsh, and cripple.

Name. Objects.

SECTION 2. James Knight, William Slay, and Powell Aaron, are hereby appointed Commissioners, who shall view the premises, and lay out such ditch or ditches as they may deem necessary for the purpose of draining said low grounds, marsh, and cripple. If they think it necessary they may take with them a competent surveyor. They shall make out a plot and return, showing the dimensions, courses, and distances of the ditch or ditches, and by general delineation, without survey, the boundary lines of the low grounds, and of each taxables' portion thereof, or of any land benefitted, and the estimated number of acres. The said plot and return shall be lodged in the Recorder's office, and be by him recorded. The Commissioners and Surveyor, if any be chosen, shall be sworn or affirmed to the faithful and impartial discharge of duty: all the Commissioners must act, but a majority may decide any matter. In case of a vacancy occurring in the Commissioners by death, resignation, or refusal to act, or otherwise, the others, or other, may fill the vacancy or vacancies.

Commissioners appointed to lay out ditches.

Plot and return, what to show

To be recorded, where.

Commissioners to be sworn.

Vacancies, how filled.

SECTION 3. If any person shall be injured by the making of any such ditch, the Commissioners shall award such person damages to the amount of such injury, and the same shall be paid or tendered before cutting the ditch. All persons who will be benefited by such ditch or ditches shall be liable to contribute to the cost of making the same, and to the damages awarded, and the expenses of the proceedings, and the recording the same. The

Damages, how awarded and paid.

Commissioners shall determine who will be benefitted, and shall apportion the said costs, damages, and expenses upon them, according to such benefit.

Bridges over
public roads.

SECTION 4. If any public road crossed by such ditch will be benefitted so that the public ought to make and maintain a bridge over the same, the Commissioners shall so state in their return, and such bridge shall be made and kept up at the public charge.

Election of
Managers
and Treas-
urer.

SECTION 5. The Commissioners shall, within one month from the making of their return to the Recorder, convene the persons liable to contribute to any ditch embraced therein, for the purpose of choosing two Managers and a Treasurer of the Company for one year, and until others shall be chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighbourhood, five days at least before the meeting.

Notice.

Annual
meeting.
How called.
When called.
Right to vote

The Managers shall annually thereafter, in the same manner, call a meeting for the same purpose, on the first Saturday in April. At all meetings the white taxables present shall be entitled to cast one vote for every dollar of tax paid by them respectively.

Return of
Commission-
ers, how
long to con-
tinue.

SECTION 6. The return made by the Commissioners shall remain in force for five years thereafter, as the basis of any subsequent assessment that may be made by the Managers for completing, cleansing, or repairing the ditch or ditches, or other necessary purposes. After five years a new assessment may be had by application of three or more taxables to any Judge of the State, or to the Chancellor, who is hereby authorized to appoint three Commissioners, to make said new assessment. Said new assessment when made shall be returned and recorded as the original return, and shall stand as the basis of assessment for five years, and until another new assessment shall in like manner be made.

New assess-
ments, how
made, and
how long to
continue.

Managers,
their powers
and duties.

SECTION 7. The Managers shall proceed to make and open the ditch or ditches laid out by the Commissioners, and may cleanse and repair the same when necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures, and render the same to the Company at their annual meeting. All payments shall be made by orders drawn by them on the Treasurer. Any person assessed for a tax may discharge the same by work done by direction of the Managers, and their certificate shall be received by the Treasurer in payment of the tax.

Payments,
how made

Treasurer,
his duties
and powers.

SECTION 8. The Treasutrer shall collect all sums assessed as aforesaid, and shall have the same power for making such collection as a collector of county rates. He shall give bond to the Company, with surety to be approved by the Managers, in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty, and for the payment to his successor of any money due from him. He shall settle with the Company at the annual meeting, and shall be entitled to retain

five per cent. of the amount received by him as his compensation.

SECTION 9. Each Commissioner and Manager shall be allowed and shall be paid by the Company one dollar for every day actually spent in the discharge of his duties. The Recorder shall be paid one cent for every ten words he may record, and two dollars for copying the plot. The Surveyor, if any be employed, shall receive two dollars for each day's service on the premises, and ten dollars for making the plot and return.

Compensation to Commissioners, Managers, &c.

SECTION 10. The said Company is hereby created and declared to be a body politic and corporate, under the name of "The St. Jones' Branch Ditch Company," and under and by that name shall be able to sue and be sued, plead and be impleaded, in any court of law or equity in this State, and shall have, possess, and enjoy, all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

Company incorporated.

Name.

Powers.

SECTION 11. The power to revoke this act is hereby reserved.

Revocation.

SECTION 12. If any person shall stop up or obstruct any ditch cut under this act, he shall forfeit and pay to the Managers, who may recover the same in the name of the Company, and for its benefit, as debts of like amount are recoverable, a sum not less than two nor more than twenty dollars.

Penalty for injury to ditches of the Company.

Passed at Dover, February 7, 1861.

CHAPTER 26.

A Supplement to the Act entitled "An act to incorporate a Bank in Smyrna, under the name of 'The Citizen's Bank of Smyrna.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring) as follows, viz: SECTION 1. The act entitled "An act to incorporate a Bank in Smyrna, under the name of 'The Citizens Bank of Smyrna,'" passed at Dover, March 4, 1857, as the same may be changed, altered and modified by this act, shall be, and the said original act hereby is revived, renewed and re-enacted, and the corporation and body politic made and created by the name, style and title of "The Citizens Bank of Smyrna," by the act to which this is a supplement, and hereby re-incorporated, may be organized, and shall continue and be extended by and under said name, style and title for twenty years from the passage of this act, and all the powers, privileges, liberties, franchises and immunities, granted, conferred and pro-

Vol. 11, Delaware Laws, p. 533.

Original act revived.

vided for in said act of incorporation, shall be, and the same are hereby continued to and may be enjoyed by said corporation for the period aforesaid, anything in said act to the contrary notwithstanding.

D. J. Murphy appointed Commissioner in the place of S. H. Holding

SECTION 2. David J. Murphy is hereby appointed a Commissioner to act in the place of Samuel H. Holding, now deceased, one of the original Commissioners appointed in and by the act to which this is a supplement.

Time to open books for subscription extended.

SECTION 3. The time for procuring and opening the subscription books mentioned in the first section of said original act to which this is a supplement, is hereby extended until the first Tuesday of August, A. D. one thousand eight hundred and sixty-one; and it shall and may be lawful for the Commissioners to procure new books of subscription, if the old ones shall be lost, and to open said new books without regard to said old ones, if they cannot be found at any time after the passage of this act, before or on said first Tuesday of August, A. D. 1861; *Provided*, That notice in that behalf be given, and the opening of said books shall be conducted as prescribed in said original act, in all things except as to the day therein mentioned for that purpose.

Commissioners may procure new books.

Notice when books will be opened.

Money to be deposited, of what nature to be.

SECTION 4. The entire sum of twenty thousand dollars, which by Section 6 of said original act is required to be paid in and deposited in the vaults of the said, "The Citizen's Bank of Smyrna," one half in specie and the other in notes of banks of this State, or of the City of Philadelphia paying specie, may be paid altogether in specie; or any portion thereof, not less than one half, may be paid in specie, and the residue in notes of banks in this State in good credit.

Subscriptions heretofore made to be void.

SECTION 5. The subscriptions for the capital stock of said bank heretofore made and subscribed, shall be treated as though the same never had been made, it being the intention of this act to authorize the Commissioners to commence *de novo* the organization of said bank.

Installments

Notice.

SECTION 6. It shall be lawful for the Directors of said Bank to call in and demand of the stockholders respectively, all such sums of money as they may subscribe by installments, not exceeding twenty dollars per share, upon giving thirty days previous notice to the stockholders in one or more newspapers printed in this State, and in such other newspapers as said Directors may deem proper.

Temporary management of Company.

SECTION 7. The Directors chosen at the first meeting of the stockholders to organize the company, shall manage and conduct the business and affairs of the company until the second Tuesday of May, one thousand eight hundred and sixty-two; and it shall not be lawful to re-elect more than six of the Directors at any election who may have served during the year next preceding said election.

SECTION 8. So much of the original act, to which this is a supplement, as is supplied by the provisions of this Act, shall be and the same is hereby made null and void.

So much of original act as is inconsistent herewith repealed.

Passed at Dover, February 7, 1861.

CHAPTER 27.

An Act to incorporate the Clayton and Smyrna Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That John Mustard, William Cummins, James R. Clement, William C. Eliason, Horace Spruance, Enoch Spruance, John A. Moore, Ayres Stockley and H. C. Douglass, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: They or a majority of them shall procure and cause to be opened at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Clayton and Smyrna Railroad Company; and they shall permit all persons of lawful age to subscribe in said books in their own names or in the name of any other person or company who may authorize the same, for any number of shares of the said stock. The capital stock of said company shall not exceed twenty thousand dollars, divided into two thousand shares of ten dollars each.

Commissioners appointed.

Their duties.

Capital stock not to exceed \$20,000.
How divided

SECTION 2. *And be it further enacted,* That when and as soon as four hundred shares of the said capital stock shall be subscribed as aforesaid, the subscribers, their successors and assigns shall be, and they are hereby declared to be incorporated by the name and title of "The Clayton and Smyrna Railroad Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, to borrow money on the credit of the said company in any sum not exceeding four thousand dollars, and to purchase, receive, have, hold and enjoy to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, and dispose of, and to declare dividends of such portion of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the government of the said corporation, not inconsistent with the constitution and laws of the United States, or of this State, and generally to do all and singular the

Company incorporated, when.

Name.

Corporate powers.

matters and things which to them it shall lawfully appertain to do for the well-being and ordering of the same. *Provided*, That nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises or privileges but those which are properly incident to such a corporation.

Meetings to
organize
Company.

SECTION 3. *And be it further enacted*, That as soon as four hundred shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers in the town of Smyrna, to organize the said Company, by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice.

Annual
meetings.

For what
purpose held

Election of
Directors.

SECTION 4. *And be it further enacted*, That there shall be an annual meeting of the stockholders on the second Monday in November, or on such other days as a majority of the stockholders may determine, in the town of Smyrna, for the purpose of electing Directors, and for the transaction of other business. In all meetings of the stockholders regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the President and Directors may deem expedient.

First meet-
ings of stock-
holders.

How con-
ducted.

President.

Secretary.

Treasurer to
give bond.

SECTION 5. *And be it further enacted*, That at the first meeting of the stockholders to be held under the call of the Commissioners, and at every annual meeting of the stockholders to be held thereafter as aforesaid, they shall elect seven Directors and a Treasurer, one of whom shall be elected by the said Directors, President, a majority of whom shall be citizens of this State, and all of them stockholders in the said company. The first election of said officers shall be conducted by three of the said Commissioners as judges thereof, and all subsequent elections of said officers shall be conducted by three of the stockholders not in the board, to be appointed by the Directors for the time being, as judges for that purpose. The President shall act and vote in all respects as a Director, and the said President and seven Directors shall form the Board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until successors shall be duly chosen. The said Board shall appoint, immediately after their election, a Secretary of the said Company, who shall continue in office for the term aforesaid, and until a successor shall be duly appointed, unless sooner removed for sufficient cause, by the Board. They shall require of the Treasurer, on his election, a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust

reposed in him by the said company. A majority of the whole ^{Quorum.} number constituting the Board shall constitute a quorum for the transaction of business, and in the absence of the President, may appoint a Chairman of the Board *pro tempore*. Vacancies in the ^{Vacancies, how filled.} Board of Directors, and in the office of President, Secretary and Treasurer, shall be filled by the remaining Directors, to continue as aforesaid.

SECTION 6. *And be it further enacted,* That the said President ^{Meetings of Board of Directors, when held. Its powers.} and Directors shall hold their meetings in the town of Smyrna and such other places as they [may] deem expedient, and the said Board of Directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, workmen and laborers as they shall deem necessary, and to fix the salary of all officers in the corporation, and the compensation and wages of all persons by them employed as aforesaid, and to take bond from them or any of them, with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such horse-power, cars and other equipments and supplies for the road, and to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated, and to this end use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation, and the hand of the President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations of the company, and to provide certificates of stock under the seal of the company, and the signatures of the President and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and to generally do all such other matters and things as by this act and the by-laws and the regulations of the company they shall be authorized to do.

SECTION 7. *And be it further enacted,* That it shall be the duty ^{Certificates of stock.} of the President and Directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, subject however, to all payments due or to become due thereon, in the method prescribed in the by-laws of the company, ^{How assigned.} and the assignee of any such certificate so transferred shall be a stockholder in such company, and shall be entitled to all the ^{Rights of assignee.} rights and emoluments incident thereto, and be subject to all the

installments, forfeitures and penalties due or to become due thereon as the original subscriber would have been.

Installments
how paid.

Neglect to
pay install-
ments.
Penalty.

Proviso.

SECTION 8. *And be it further enacted*, That the subscribers to the said capital stock shall pay to the Treasurer of the said company the installments on each share by them subscribed as the same shall be respectively called in pursuance of the public notice and call of the Board of Directors, and if any subscriber shall omit for thirty days after any such call to pay any such installment at the time and place appointed in said notice, he shall pay in addition to the said installment at the rate of two per cent. a month for the delay of such payment on the shares so held by him, or all previous installments paid thereon may be declared forfeited to the company at the option of the Board. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this State. *Provided*, That no stockholder shall be entitled to vote at any election or in any meeting of the said company on whose share or shares any installment shall have been due and payable more than thirty days previous to such election or meeting and is still unpaid at that time.

Dividends.

Report of
affairs of
company to
be made.

SECTION 9. *And be it further enacted*, That the said President and Directors shall, from time to time, make and declare dividends of the nett profits of the business of the company, or such portion of the profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public notice thereof shall given by them. And at each annual meeting of the stockholders it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Company
may con-
struct rail-
road.

Where.

May unite
with Dela-
ware Rail-
road by con-
sent.

SECTION 10. *And be it further enacted*, That the said company be, and they are hereby authorized to survey, locate and construct a railroad with one or more tracks, as follows, that is to say: from some point on the Delaware Railroad at or near Clayton, (formerly Smyrna Station) on or along the line of county road now leading to Smyrna (a portion of land which is at present donated for this purpose) to the western limits of said town of Smyrna; from thence through Methodist or Commerce street to Main street, through the said Main street at a point as the above-named Commissioners may decide, not below Frazer street in the said town of Smyrna; but it is hereby expressly understood that said road shall not be extended east of said Main street; and to connect or unite their said railroad with the Delaware Railroad, with the assent of [the] Delaware Railroad Company, and upon such terms and condition as shall be arranged and agreed upon between the two companies, to be reduced to writing, and authenticated under the seals of the companies; and for the purposes of survey-

ing, locating and constructing the railroad as aforesaid, the said company shall have full authority to enter upon any land, public ^{May enter upon land.} or private property, necessary therefor, and to procure sand, gravel, wood, and other materials therefrom, and to obtain right and title to the same as hereinafter provided.

SECTION. 11. *And be it further enacted,* That whenever any land, earth, sand, gravel, or other materials necessary to be taken and used in the construction of the railroad cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may apply to the Superior Court of Kent County, or to any judge thereof in vacation, first giving the other party at least five days notice in writing of the intended application, if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and ^{Damages, how assessed.} assess damages which the owner or owners will sustain by reason of the said railroad passing through it, in taking and using the same; the said freeholders shall be sworn or affirmed before ^{Freeholders to be sworn. Their duties.} entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the company of the time of their meeting, for the discharge of their duty, which shall be upon the premises, and they shall make report in writing under their hands, or hands of a majority of them, of their award, to the President of the said company, and to such owner or owners, within ten days after the making of such award; or if any such owner or owners are non-residents, then to the occupiers of the lands, and if either party be dissatisfied with the damages assessed, such party may, on application to the Prothonotary of the Superior Court, in and for Kent County, within thirty days after such award and notice, sue out a writ of *ad quod damnum*, requiring the Sheriff in the usual form to inquire by twelve impartial men of his bailiwick, of the damages aforesaid, and their report shall be final. ^{Writ of ad quod damnum, how taken.} In assessing any such damages as aforesaid, at least the actual cash value of the land, earth, sand, gravel, or other materials so to be taken and used, shall be allowed. ^{Cash value to be allowed.} When the damages assessed shall be paid by the said company to the party entitled, or into the Bank of Smyrna for his or her use, whether such party be under any disability or not, or be in or out of the State, the title to the land and premises described and condemned in said report, shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders shall be two dollars per day, to be paid by the company, and of the jurors one dollar and fifty cents each. ^{Fees of freeholders and jurors.} The said jurors shall be sworn or affirmed as above provided in case of the freeholders, and the company on paying or depositing the amount of damages found by the inquisition, shall have the same right and title to the land and premises as above mentioned. If any increased damages

Damages, when assessed by jury, when paid. shall be found by the jury, such increased amount shall be a lien on all the property of the company, and shall be paid within sixty days, or deposited as aforesaid, or the said company shall have no right to enter or continue until it is paid; if the damages be reduced, the owner of the land shall pay back the amount diminished, and the cost of the inquisition shall be paid as in other cases, by the unsuccessful party.

Costs of inquiry, how paid.

Crossings. SECTION 12. *And be it further enacted,* That it shall be the duty of the said company to construct and keep in repair good and sufficient passages across such railroad, where any public road, street, alley, or lane shall cross the same, so that carriages and other vehicles, horses, persons and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across said railroad for the use of said farm.

Penalty for injury to works of company. SECTION 13. *And be it further enacted,* That if any person shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the works and property of the said company, he shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars.

Non-election of officers not to dissolve corporation. SECTION 14. *And be it further enacted,* That if at any time an election of officers of the said company shall not be held, had or made pursuant to the provisions hereinbefore in that behalf mentioned, the corporation shall not therefor be dissolved, but such election may be held and made at any time afterwards, on ten days notice in two newspapers published in this State, of the time and place of holding the same. The Governor of this State for the time being may supply any vacancy among the Commissioners named in first section hereof.

Vacancies among Commissioners, how supplied.

Tax to the State. SECTION 15. *And be it further enacted,* That the said company shall semi-annually pay into the treasury of the State a tax at the rate of one-half of one per centum per annum on the capital stock of the company actually paid in, whenever the business of the company shall over and above its liabilities and expenses yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public Act. SECTION 16. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject, nevertheless, to the power of revocation for the misuse or abuse of its privileges by the said company, and which power is hereby reserved to the Legislature.

Right of Revocation.

Passed at Dover, February 7, 1861.

CHAPTER 28.

An Act prohibiting Burials in the Grave Yard of "The African Union Church," in the City of Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* it shall not be lawful, after the first day of January, 1862, to inter or bury any dead body in the ground heretofore used and now occupied by "The African Union Church" as a burial place, in the rear of their meeting house, and fronting on the easterly side of King Street, above Eighth street, in the City of Wilmington.

After Jan. 1, 1862, burials prohibited.

SECTION 2. *And be it further enacted, That* if any person or persons shall, after the first day of January, 1862, inter or bury any dead body in the burial place described in Section 1, every such person or persons shall be deemed guilty of a misdemeanor, and forfeit and pay a fine of twenty-five dollars.

Violation of this act a misdemeanor.

Penalty \$25.

Passed at Dover, February 12, 1861.

CHAPTER 29.

An Act allowing an additional Constable to the County of Sussex.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Levy Court of Sussex County be, and they are hereby authorized and required to appoint an additional Constable in Sussex County, who shall reside at or near the village of Frankford, situated on the line of Dagsborough and Baltimore Hundreds. The office of Constable hereby created shall continue until this act shall be repealed; and the appointment thereto shall be made, and vacancies filled, as provided by the laws and constitution of this State.

Levy Court of Sussex County authorized to appoint an additional constable at Frankford.

Passed at Dover, February 12, 1861.

CHAPTER 80.

An Act to amend Chapter 111 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That Chapter 111 of the Revised Statutes of the State of Delaware, be amended.

Chapter 111, Revised Statutes, amended.

and the same is hereby amended, by striking out the words, "against a citizen of the State," in Section 51, and inserting in lieu thereof these words, "against any free white person;" and also by striking out the words, "against a free white citizen of this State," in Section 52, and inserting these words, "against any free white person."

SECTION 2. All parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, February 13, 1861.

CHAPTER 31.

An Act to repeal an Act therein mentioned, and to vacate Fifteenth Street, between Market and Tatnall Streets, in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring:) SECTION 1. An act entitled, "An Act for the purpose of vacating Fifteenth street, in the City of Wilmington, from Market street to Tatnall street," passed at Dover, February 24th, 1859, is hereby repealed.

SECTION 2. Fifteenth street, between Market and Tatnall street, as the same is laid down on the map or plan of the City of Wilmington, is hereby vacated, and all laws or ordinances of the City inconsistent with this act are hereby repealed.

Passed at Dover, February 14, 1861.

CHAPTER 32.

An Act authorizing the Appointment of an additional Notary Public.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in addition to the Notaries Public now authorized, the Governor*

Notary for
the bank of
Smyrna, at
Milford.

shall appoint an additional Notary Public for the office of the Bank of Smyrna at Milford, and at and upon the expiration of the term of office for which George S. Adkins has been commissioned, no appointment shall be made to fill the vacancy thereby occasioned, but the same shall be and remain unfilled, so that the number of Notaries shall then be reduced to the number existing before the passage of this act.

Passed at Dover, February 13, 1861.

CHAPTER 33.

An Act concerning Lottery Policies.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. If any person shall by himself, his servant or agent, or as the servant or agent of another, sell or dispose of, or have in his possession with intent to sell or dispose of, any lottery policy, certificate, or any thing by which such person or any other person promises or guarantees that any particular number, character, ticket, or certificate, shall in the event, or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt, or shall use or employ any other device by which such person, or any other person, promises or guarantees as aforesaid, every person so offending shall, upon conviction thereof by indictment, forfeit and pay for the first offence a fine of one hundred dollars, and in default of payment shall be imprisoned one month; and for the second and every subsequent offence shall forfeit and pay a fine of one hundred dollars, and be imprisoned not less than one nor more than two months. This act shall not be deemed or taken to apply to the sale or disposal of any authorized lottery tickets, whether the same be foreign or domestic, and whether such sale or disposal be by single tickets, packages, or by certificate thereof: *Provided*, That no authority is or shall be deemed to be given by this act to sell or dispose, in any manner whatsoever, of any ticket in any lottery not authorized by the laws of this State, unless the same would have been lawful without the passage hereof.

Sale of Lottery Policies prohibited.

Penalty.

Proviso.

Passed at Dover, February 19, 1861.

CHAPTER 34.

An Act to authorize the Register of Wills of Kent County to Copy Index.

Register of Kent County to transcribe index to wills. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Register of Wills of Kent County be and he is hereby authorized to transcribe the Index to Wills in his office, from the year, A. D. 1694, up to the present time.

Commissioners to examine work. SECTION 2. *And be it further enacted,* That if the said Register shall copy the said Index, as aforesaid, then that Eli Saulsbury and Nathaniel B. Smithers, Esquires, be and they are hereby appointed Commissioners to examine the said copy, after the said Register shall have completed the same, and if they are satisfied with the execution thereof, they shall certify the same to the Levy Court of Kent County, and after such certificate, said copy shall become and be the Index.

Certificate.

Levy Court to make allowance. SECTION 3. *And be it further enacted,* That after the said Commissioners shall have certified to the Levy Court as aforesaid, the said Levy Court shall make a just and reasonable allowance to the said Register and Commissioners for their services.

Passed at Dover, February 19, 1861.

CHAPTER 35.

An Act to prevent the introduction into this State of Foreign Lottery Tickets and Lottery Schemes.

Foreign lottery schemes drawing tickets, or certificates. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That any person bringing, or sending, or procuring to be brought or sent into this State, any scheme or schemes of any Lottery not authorized by the laws of this State, or any drawing or drawings of any such scheme or schemes, or any ticket, or part or parts of a ticket or tickets, or certificate of, or substitute for any ticket or tickets or part or parts of a ticket, and shall sell, or offer for sale any such ticket or parts of, or substitute for any such ticket or parts of tickets, or any certificate or substitute for a certificate, and shall circulate in any manner, any scheme or schemes, or any drawing or drawings not authorized as aforesaid, shall, upon indictment and conviction thereof, be punished by a fine of not more than five hundred dollars, nor less than one hundred dollars, and costs of prosecution, and shall be imprisoned for not more than six

Penalty for introducing or vending.

months, nor less than thirty days; one-half of said fine to be paid to the informer, who shall be a competent witness, and the other half to the State. And on the trial of any indictment *Proof.* under this Section, any lottery scheme drawing, ticket or tickets, certificate of or substitute for a ticket or tickets, or part or parts of tickets, which shall be proved to have been by the traverser or traversers brought or procured to be brought, or sent or procured to be sent into this State, or printed or procured to be printed within this State, for the purpose of circulating the same by mail or otherwise, shall be held as *prima facie* evidence within the description of this Section.

SECTION 2. *And be it enacted,* That this act shall take effect from and after its passage.

Passed at Dover, February 20, 1861.

CHAPTER 36.

An Act to incorporate the Town of Middletown.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring): SECTION 1. That an election shall be held in the town of Middletown, New Castle County, on the first Monday of March next, and on the same day yearly, from one o'clock till four in the afternoon, for five Commissioners, an Assessor, and Treasurer. Three of said Commissioners, and the Assessor, shall be residents of and freeholders in said town. The votes shall be received by the State's Justice of the Peace in said town, and the result of the balloting for said Commissioners, Assessor, and Treasurer, shall be ascertained by himself and two citizens of said town, selected by him to assist in holding said election. At such election every free white male citizen of said town, who shall have attained the age of twenty-one years, and is a taxable of said town, shall have the right to vote. The Justice of the Peace and two citizens aforesaid, shall be the judges of the election, and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office one year, or until their successors are duly elected. Immediately after such election, the person or persons under whose superintendence the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the

Town election, when and where held.

How conducted.

Who may vote.

Judges of the election.

Term of office of Commissioners.

names of the persons chosen Commissioners, Assessor, and Treasurer, and shall subscribe the same, and shall give to the Commissioners, Assessor, and Treasurer elect, certificates of their election. The book containing such minutes shall be preserved by the Commissioners, and shall be evidence.

Plot of town,
by whom
made, and
what to state

SECTION 2. The Commissioners first elected shall, as soon as convenient, after notice of their election, employ a Surveyor, and survey and lay down on a plot the said town of Middletown, establishing its limits, and making and describing its streets, alleys, lanes, and side-walks, and shall, when all the service is performed, return the plot under their hands to the Recorder's office, at New Castle, to be recorded, and the original, and the record or certified copy thereof, shall be evidence. All the Commissioners shall act, but the decision of a majority shall govern. They and the Surveyor, before entering on the duties under this Section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

Where re-
turned.

Commission-
ers incorpor-
ated.

SECTION 3. *And be it further enacted,* That the Commissioners elected pursuant to the provisions of this act shall be, and they are hereby created a body politic and corporate in law, and the said Commissioners and their successors shall be able and capable to sue and be sued, plead and be impleaded, in all courts in this State, by the corporate name of "The Commissioners of the Town of Middletown," and may purchase, take, hold, and enjoy lands, tenements, or hereditaments, in fee simple or otherwise, and also goods, chattels, rights, and credits, and may alien, grant, demise, and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do, to carry out and effect the object and purpose of this act.

Name.
Powers.

Streets in
town to be
under super-
intendence
of Commis-
sioners.

SECTION 4. *And be it further enacted,* That the Commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of any of said roads or streets shall be appointed by the Levy Court of New Castle County, but the said Levy Court shall annually appropriate, for the repair of said streets and roads, a sum of money not less than fifty dollars, and shall make an order for the payment thereof to said Commissioners, which sum so appropriated shall be expended for that purpose, and no other. The said Commissioners shall account to the Levy Court for the said money, in the same manner as overseers of roads in said county. The said Commissioners shall severally receive and be allowed for each days actual service on the said roads or streets one dollar, and for each half days service fifty cents, but no compensation shall be allowed for any fraction less than half a day.

Commission-
ers to ac-
count to
Levy Court
of New Cas-
tle County.
Compensa-
tion to Com-
missioners.

SECTION 5. *And be it further enacted,* That the Commissioners

for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town, by petition to them for that purpose, to locate, lay out, and open any new street or streets, which five or more citizens of said town may desire to be located, and laid out, and opened, allowing to the persons respectively, through or over whose grounds such new street or streets may run, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town of Middletown, out of moneys of said town, on warrants drawn on him by the Commissioners aforesaid.

Powers of
Commission-
ers to open
new streets.

Damages,
how paid.

SECTION 6. *And be it further enacted,* That whenever the Commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of said street, to notify in writing the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damages, he may, within ten days after receiving notice from the Commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said Commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the Justice of the Peace, oldest in commission, residing within said town, who shall, within three days thereafter, and upon notice to the said Commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of St. Georges Hundred, owning no real estate in said town, and residing within its limits, and the remaining twelve shall be freeholders owning real estate in said town, and residing within its limits. The said Commissioners shall, upon receiving said notice from the Justice, immediately notify all persons owning real estate on the said street, and residing in said town, who have notified them of their intention to appeal, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the Justice, the said appellants, or as many of them as choose, and the said Commissioners shall attend. The appellants, their agent or attorney, shall first strike out one of said names, and the Commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated, as to leave the seven remaining freehold-

Duties of
Commission-
ers to the
owner of
lands
through
which new
street may
run.

Right of
owner to ap-
peal.

Appeal, how
taken and
conducted.

Duties of
freeholders
in case of
appeal.

ers located as follows, viz: four resident in said town, and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street, and assess the damages of all owners of real estate, through or over whose grounds the said street shall run, who shall have notified the Commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and Commissioners. In case either side, Commissioners or appellants, be not represented before the Justice, or shall refuse to strike, the Justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or Commissioners, may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents, notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt, before any Justice of the Peace of New Castle County, in the name of the Town Commissioners, for the use of the said town. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the Commissioners then acting during the term for which they were elected. The act of a majority of the said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Penalty on
freeholder
refusing to
serve.

Costs of ap-
peal, by
whom paid.

SECTION 7. *And be it further enacted,* That if on any such appeal the award shall be against the necessity of a street, or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town. But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. The fees of the freeholders shall be one dollar per day.

Damages in
case of ap-
peal, by
whom and
how paid.

SECTION 8. *And be it further enacted,* That the damages which may [be] assessed upon the occasion of opening any new street shall be paid out of the town funds, or duly tendered, before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such streets, and in case any such owner or owners in whose favour any such damages are assessed shall be a minor, non-resident, or shall refuse to receive, or be incapable for any cause of receiving the same, such damages may be deposited in "The Citizens' Bank of the State of Delaware at Middletown," to the credit of such person or per-

sons, and subject to his or their order, and such deposit shall operate as payment.

SECTION 9. *And be it further enacted,* That the Commissioners, Powers of Commissioners in relation to pavements and gutters. or a majority of them, be and they are hereby authorized and required to direct, in writing, the proprietor or proprietors of any house or land in Middletown, before or in front of which they may deem proper that a pavement, or gutter, or both, should be made, to lay a pavement of brick or smooth stones, or make a gutter, or lay a pavement and make a gutter of such length, width, or depth, (if a gutter,) as the said Commissioners may specify in such a direction, and if such proprietor or proprietors shall neglect or refuse for the space of three months, after being directed as aforesaid, to lay such pavement with good and sufficient curbs, or to curb and make such gutters, or to lay such pavement and curb and make such gutters, it shall and may be lawful for the said Commissioners, and they or a majority of them [are] authorized and required to cause such pavements and gutters to be made, and to recover the costs of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such proprietor or proprietors within the limits of the said town. If any pavement or gutter already made shall, at any time, by the said Commissioners, or a majority of them, be deemed an insufficient pavement or gutter, they, or the majority of them, shall have power, and are hereby required to direct in writing the proprietor or proprietors thereof to make a sufficient one, and upon neglect or refusal so to do, for the space of three months, the said Commissioners, or a majority of them, shall cause the same to be done, and recover the cost of doing the same in like manner as above prescribed in case of new pavement. Notice to one co-proprietor shall be notice to all, and in case no proprietor shall reside in the town, notice to the occupier shall be deemed a sufficient notice to the proprietor. The said Commissioners, or a majority of them, may cause such sidewalks or portions thereof as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of said town, and may cause flag stones to be put down at the crossings of the streets wherever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the town. Commissioners may put down flag stones.

SECTION 10. *And be it further enacted,* That it shall be the duty of the Commissioners of the town of Middletown, and of any Justice of the Peace and Constable of New Castle County residing in said town, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of negroes, mulattoes, or other persons, in the streets, lanes, or alleys of the said town, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said Constable, Nuisances by rioters, &c., by whom and how suppressed.

Penalty. upon the requisition of any one of said Commissioners, and without further warrant, forthwith to seize and arrest any such negroes, mulattoes, or other persons so offending, and to carry them before any Justice of the Peace residing in said town, and upon conviction before the said Justice (whose duty it shall be to hear and determine the case), the said Justice shall sentence any such negro, mulatto, or other person so convicted, to pay a fine not exceeding five dollars, and commit the party to prison for any period not more than five days, or until the said fine and costs be paid. It shall be the duty of the said Justice of the Peace, upon complaint made before him of any such riotous, turbulent, or noisy assemblages as aforesaid, to issue his warrant to the said Constable, commanding him to bring any such negro, mulatto, or other person so offending as aforesaid, before him for trial. Upon every conviction of a riotous, turbulent, or disorderly person, the Justice and Constable shall each be entitled to a fee of sixty cents, to be paid by the person convicted.

Powers of Commissioners in relation to bon-fires, firing of guns, &c. SECTION 11. *And be it further enacted,* That it shall be the duty of the said Commissioners, Justice of the Peace and Constable, to suppress, extinguish and prevent all bon-fires in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fireworks, or the making or throwing fire balls within the limits of said town. And the Commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before any Justice of the Peace in the town, and in default of payment, the Justice may commit for any time not more than five days.

Fines, how collected. SECTION 12. *And be it further enacted,* That if any Constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the Commissioners to present him to the Grand Jury, and upon conviction he shall, in addition to the punishment imposed by the court, forfeit his office.

Power of Commissioners in relation to the public streets. SECTION 13. *And be it further enacted,* That the said Commissioners shall have authority to make such regulations and ordinances relative to the traveling over and upon said streets, and to the use thereof, and the standing or placing of carts, carriages and other vehicles, or obstructions in and upon any of said streets, lanes, alleys, or sidewalks, as they shall deem proper to secure the free and unobstructed enjoyment thereof. And if any person shall wilfully violate the regulations and ordinances of the Commissioners in that behalf, every person so offending shall forfeit and pay to the Commissioners, for the use of said town, a sum not exceeding five dollars, to be recovered with costs at the suit of said Commissioners in the same manner as debts of that amount are by law recoverable.

Penalty for neglect to comply with town ordinances.

SECTION 14. *And be it further enacted,* That the said Commissioners be, and they are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The said Commissioners, or a majority of them, may proceed either upon their own view or upon complaint of any other citizen in writing, stating the character of said nuisance or obstruction, and where the same exists. If the said Commissioners, or a majority of them, either of themselves or upon such information and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the Commissioners for the use of the town in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unabated and unremoved, shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner.

Powers and duties of Commissioners in relation to nuisances of any kind.

Penalty in case of refusal to obey order of Commissioners.

SECTION 15. *And be it further enacted,* That it shall and may be lawful for the said Commissioners to build and maintain a suitable place as a prison or jail for the use of said town, and any Justice of the Peace acting under the provisions of this act, or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may commit to the said prison or jail, for any time not exceeding five days, and for want of such prison or jail, to the common jail of New Castle County.

Town jail.

SECTION 16. *And be it further enacted,* That the Commissioners, or a majority of them, shall have the authority to employ the money in the treasury of the town for the general improvement and benefit and ornament of the said town as they may deem advisable.

Town Treasury.

SECTION 17. *And be it further enacted,* That the Assessor of the said town for the time being, shall annually, during the month of April, make a true, just and impartial valuation and assessment of all the real estate within said town, and also an assessment of all the white male citizens residing in said town, above the age of twenty-one years, as well those owning as those not owning real estate within its limits, and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being, a duplicate containing the names of all the persons

Duties of Assessor.

assessed, and the amount of their assessment, distinguishing the real and personal assessment of each. The Commissioners shall assess the real estate and person of the Assessor. The Commissioners shall, between the first and fifteenth days of April, cause a full and complete transcript of said duplicate to be hung up at the hotel now occupied by J. C. Lippincott, in said town, there to remain for the space of twenty days thereafter for public information, and the said Commissioners shall, on the Monday next after the expiration of the said twenty days, hold a court of appeal, which shall continue open from 9 o'clock, A. M. until 12 M., and from 2 o'clock, P. M. until 5 o'clock, P. M. of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the Commissioners upon any appeal shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed, and raised on the real estate and persons thus valued and assessed, in just and equal proportions and rates. The Assessor, immediately after his election, and before entering upon the duties of his office, shall be sworn or affirmed by some Judge or Justice of the Peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate thereof shall be made by the person administering the oath or affirmation in the Record Book of the Commissioners, containing the certificate of the election of the Commissioners, Assessor and Treasurer aforesaid.

SECTION 18. *And be it further enacted,* That the Commissioners, after having ascertained the sum necessary to be raised on the said town for the purposes of this Act, and having apportioned the same on the assessment and valuation aforesaid, shall yearly, in the month of April, or as soon thereafter as convenient, furnish the Treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each, the amount of the real estate, and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Commissioners, or a majority of them. The Treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are by law given to the Collector of the county rates and levies. The Treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of one thousand dollars, to

Assessments
on real
estate,

Appeal on
assessments
of real estate

Taxes, how
assessed.

Assessor to
be sworn.

Certificate of
oath.

Duties of
Commission-
ers in rela-
tion to fur-
nishing list
of taxables
to the town
Treasurer.

Duties of
Treasurer
after list
furnished.

Treasurer to
give bond.

the Commissioners, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said Treasurer shall pay all orders drawn on him by the said Commissioners, or a majority of them, and shall settle his accounts with the said Commissioners annually, in the month of February, and as often and at such times as they or a majority of them shall require. The said Assessor and Treasurer shall each receive a reasonable compensation, to be determined by the Commissioners.

Duties of Treasurer in relation to money belonging to the town.

Compensation to Assessor and Treasurer.

SECTION 19. *And be it further enacted*, That in the general performance of their duties, the acts, doings and determinations of a majority of the Commissioners shall be as good as the acts, doings and determinations of the whole, and in case of vacancy among the Commissioners by death, resignation, or otherwise, the survivors, or others, shall have the same power and authority as the whole. In case the office of Assessor, or Treasurer, become vacant, the Commissioners may appoint until the next election.

Majority of Commissioners may act.

Right to fill vacancies among Commissioners.

SECTION 20. *And be it further enacted*, That the Commissioners shall have the power, and it shall be their duty to direct the Town Assessor, in making his assessment of property taxable within the town limits, to include therein all dogs, owned or kept within the said town, and the owner or keeper of any dog or dogs so included within said assessment, shall be liable to pay a yearly tax of fifty cents for one dog, and the additional sum of one dollar for each and every dog more than one, and the owner or keeper of any slut or bitch in said town shall pay a yearly tax of two dollars for every such slut or bitch.

Tax on dogs.

SECTION 21. *And be it further enacted*, That the Governor of the State of Delaware shall, immediately after the first election for Town Commissioners, appoint and commission a Justice of the Peace, who shall be a resident of the said town, and who shall be the Town Alderman of the town of Middletown, and who shall have all the powers of a Justice of the Peace within the limits of said town, and have jurisdiction and cognizance of all breaches of the peace and other offences within said town, so far as to arrest and hold to bail, or fine and imprison such offenders, and of all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinance of the Town Commissioners regularly passed and established for the government of said town, and of all neglects, omissions or defaults of the town Constable, Assessor, or Treasurer, or any other person or officer, whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law [or] ordinance thereof: *Provided*, That he shall not impose any fine exceeding ten dollars, nor have jurisdiction in civil matters exceed-

Governor to appoint an additional Justice of the Peace for the town.

His powers.

Proviso.

ing fifty dollars, exclusive of costs. The fees, term of office, etc., to be the same as other Justices of the Peace.

Passed at Dover, February 12, 1861.

CHAPTER 37.

A further Supplement to the "Act to incorporate the owners and possessors of a certain tract of meadow, marsh and cripple, known by the name of the Brandywine Marsh, in the Borough of Wilmington and County of New Castle."

Section 6 of original act amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring), SECTION 1. Section 6 of an act entitled "An Act to incorporate the owners and possessors of a certain tract of meadow, marsh and cripple, known by the name of the Brandywine Marsh, in the Borough of Wilmington and County of New Castle," is hereby amended by inserting the words "such sum or sums of money" between the words "flood-gates," and "as" where they occur in said Section.

Causes of action, before whom to be tried.

SECTION 2. All actions which may hereafter accrue to the Managers of the said Brandywine Marsh, or either of them, under the said act or a supplement thereto, passed at Dover, January 30, 1823, shall be cognizable before any Justice of the Peace for New Castle County, and shall be heard, tried and determined, as causes where the matter in dispute does not exceed one hundred dollars, without stay of execution.

Passed at Dover, February 12, 1861.

CHAPTER 38.

An Act to divide North West Fork Hundred into two Election Districts.

North West Fork Hundred divided into two Election Districts.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. For the purpose of holding elections for State, County and other officers in North West Fork Hundred, the said hundred shall be divided into two election districts by the following line, viz: Beginning

in the middle of the old State road at Walker's mill dam, and running thence westwardly, by the centre of said road between the old Frank Brown farm and the farm of the late Daniel Cannon, over and by Cannon's Crossing to its intersection with the road leading from Federalsburg to Bridgeville, and thence by the centre of said Federalsburg and Bridgeville road past Horsey's Cross-Roads to the eastern boundary of Maryland. All that part of said hundred north of said dividing line shall be one election district, to be called Upper North West Fork District, and all that part of said hundred south of said line shall be the other election district, to be called Lower North West Fork District. The elections for the said upper district shall be held in the town of Bridgeville, at the place heretofore designated by law for holding the elections; and the elections for the said lower district shall be held in the town of Seaford, at the Academy in said town.

How divided

Elections, where held.

SECTION 2. At the said places shall be held the general election, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Assessor of the said hundred and for Inspectors of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

At said elections, whom to be voted for.

SECTION 3. All the laws of this State touching elections held in the several hundreds of the State, shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of Assessors and Inspectors is qualified by the provisions hereinafter contained.

Election laws to apply to said districts. Exception.

SECTION 4. There shall be elected in accordance with the provisions of Chapter 17 of the Revised Statutes, one Assessor for North West Fork Hundred, and one Inspector for each of the said districts. In such election for Assessor and Inspectors the Collector of said hundred shall be the presiding officer of the Lower North West Fork District, and shall have the right to vote at such election whether a resident of the Upper or Lower North West Fork Election District, and some qualified voter of the district, to be appointed by the Levy Court of Sussex County, in the month of March next previous to the election, shall be the presiding officer for the Upper North West Fork Election District, and shall have all the powers, and perform all the duties of the presiding officer of such election according to law; and if at any election for Assessor and Inspector in said Upper North West Fork Election District, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provision of Section 10 of Chapter 18 of the Revised Statutes.

Assessor and Inspectors.

Presiding officer, when and how appointed.

Certificates
of election.

SECTION 5. Immediately upon the closing of the election for Assessor and Inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judge of the election in each of said districts shall make and sign certificates according to the law of the election of Inspectors, varying from the form prescribed for that purpose by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for Assessor.

Presiding
officers to as-
semble,
when and
where.

SECTION 6. The said presiding officer and judge of both the said election districts shall assemble on the next day succeeding said election at 12 o'clock, M., at the place of voting in Upper North West Fork Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and equal number of votes, the Collector or presiding officer of said Upper North West Fork Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Tie vote.

Passed at Dover, February 12, 1861.

CHAPTER 39.

An Act to re-enact the act entitled "An Act to incorporate the Sisters [of Charity] of St. Peter's School, and to grant said corporation certain lands in Mill Creek Hundred."

Original act
of incorpora-
tion revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each of each branch concurring therein,) That the charter of the "Sisters of Charity of St. Peter's School," with all its present powers, privileges and immunities, is hereby extended, continued and confirmed, for the period of twenty years from the passing of this act; and that their act of incorporation entitled "An Act to incorporate the Sisters of Charity of St. Peter's School, and to grant to said corporation certain lands in Mill Creek Hundred," passed at Dover, February 5, A. D. 1841, be, and the same is hereby re-enacted, with all its provisions, to be and remain in full force during the said term of twenty years.*

Act passed
Feb. 4, 1841,
revived.

Passed at Dover, February 12, 1861.

CHAPTER 40.

A Supplement to the Act entitled "An act to incorporate the New Castle and Wilmington Passenger Railway Company," passed February 18, 1859.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring therein,) SECTION 1. That Section 6 of original act repealed. *sixth (6th) Section of the act entitled "An Act to incorporate the New Castle and Wilmington Passenger Railway Company," passed February 18, 1859, be, and the same is hereby repealed.*

SECTION 2. And be it further enacted, That the New Castle and Wilmington Passenger Railway Company shall have power, and they are hereby authorized, to locate and construct a railroad from the town of New Castle to the City of Wilmington, beginning at the foot of Delaware street in the town of New Castle, thence up to Orange street and out Orange street to the City of Wilmington, either by the public road or partly by the public road and partly by such other route as may be determined upon by the Directors of said Company, crossing the Christiana bridge at the foot of Market street, in the City of Wilmington, and thence through such street or streets of the said City of Wilmington as may be designated by the City Council thereof. Company may construct railroad. Where.

SECTION 3. And be it further enacted, That the Company shall be, and they are hereby authorized to contract for, purchase and hold all such land as the Directors of the said Company may deem necessary for the purposes of said railroad, and in case such land as may be necessary for the location and use of such railroad cannot be obtained by purchase, the Company may apply to the Superior Court, or to any Judge thereof residing in New Castle County in vacation, by petition, first giving the other party five days notice in writing of such application, the said notice to be served personally if the party reside in the State, or, in case of a non-resident, to be served upon the tenant residing upon the land proposed to be taken. And the said Court or Judge shall appoint five judicious and impartial freeholders to view the premises which the said Company may require for the use and construction of the said railroad, and assess the damages, if any, that the owner or owners thereof will sustain by reason of the said railroad passing through the same. The said freeholders shall be sworn before some Judge, Justice of the Peace, or Notary Public, faithfully and impartially to perform the duty imposed upon them. They shall give ten days written notice to the owners of the property (to be served as hereinbefore provided), and to the President of the Company of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railroad, and they shall make report Company may contract for land. Proceedings in case contract cannot be made between owner of land and company. Damages. Report when made.

Powers of
Court.

in writing, under their hands or the hands of a majority of them, to the term of the Superior Court of New Castle County next after their appointment, and the said Superior Court may either confirm the said report, or on good and sufficient reasons refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in the manner aforesaid. When judgment of confirmation is rendered by the said Court on any report made as aforesaid, and upon the payment by the said Company of the amount of damages assessed to the owner or owners of the said property, or upon the payment of the same into Court for his or their use, whether the said owners or any of them be or be not under any of the disabilities of infancy, coverture, or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in the said Company, their successors and assigns. The fees to the Commissioners and the Prothonotary on any such proceedings shall be determined by the Court, and shall be paid by the Company.

Passed at Dover, February 19, 1861.

CHAPTER 41.

An Act to amend an Act entitled, "An Act to amend the Charter of the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein:) SECTION 1. To the end that the City Commissioner may be relieved of the duties which are now imposed upon him by Section 24 of an act entitled, "An act to amend the Charter of the City of Wilmington," passed at Dover, February 20, 1857, and that the same may hereafter be performed by the City Auditor, the said Section 24 of said act is hereby amended by striking out the words "City Commissioner," so often as they occur in said Section, and inserting the words "City Auditor," as often in lieu thereof.

Section 24 of
original act
amended.

Now amended.

SECTION 2. The City Auditor, before entering upon his office, shall, with sufficient surety or sureties, become bound to the City by a joint and several obligation to be, with the surety or sureties therein, approved by the Finance Committee, with a condition therein for the faithful performance of his duty, and shall so often as the Council shall direct, make return to the City Treasurer,

under oath or affirmation, of each item of the moneys received by him, and immediately pay the amount in his hands to the City Treasurer.

Passed at Dover, February 21, 1861.

CHAPTER 42.

An Act allowing an additional Constable in Murderkill Hundred in Kent County.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Levy Court of Kent County be, and they are hereby authorized and required to appoint an additional Constable in Kent County, who shall reside in or near the village of Magnolia, in the aforesaid county. The office of Constable hereby created shall continue until this act shall be repealed, and the appointment thereto shall be made and vacancies filled as provided by the laws and constitution of this State.

Levy Court of Kent County authorized to appoint an additional constable, to reside at Magnolia.

Passed at Dover, February 20, 1861.

CHAPTER 43.

An Act authorizing the Appointment of additional Commissioners to take Acknowledgement of Deeds, &c., in the City of Philadelphia, in the State of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Governor of this State be and he is hereby authorized and empowered to appoint two additional Commissioners, residing in the City of Philadelphia and State of Pennsylvania, each of whom shall have a seal, and shall have power to administer oaths, and take depositions and affidavits, to be used in this State; and also to take the acknowledgment of deeds and other instruments, and to take the private examination of any married woman, party to a deed, as provided in Chapter 36, Section 4, of the Revised Statutes of this State.

Governor authorized to appoint additional Commissioners.

Passed at Dover, February 20, 1861.

CHAPTER 44.

An Act appointing Commissioners to lay out a Public Road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That David Taylor, Sen'r., Levin Todd, Beniah Tharp, Charles Williamson, and George W. Collins be, and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of a new public road: Beginning in the corner of a lane, on a hill between William Williams and John Lanis, in the State road leading from Todd's Chapel to Jester's Cross Roads, and running through lands of the said William Williams, lands of Eli Wroten, Jr., John Williams, Waitman Hopkins, John C. Hamilton, and * Perkins, to the county road leading from Marshy Hope Bridge by the farm called the "Dawson farm," to Milford. The entire length of said road is about a mile and a half, and about one half of the length of said road is in Sussex County, the other half is in Kent County; and if the said Commissioners or a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor, to be selected by them, lay out such new public road as they shall deem proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause two plots thereof to be made respecting the courses and distances thereof, with notes of the most remarkable places, and of the woodland, cleared land, and improvements, by or through which the said road shall pass; and they shall assess the damages of every owner of said lands and improvements, by reason of the laying out of said road; taking into consideration all the circumstances of benefit as well as injury which will accrue to each said owners, and they shall make a computation of the costs of opening and making said road, and making the bridges and causeways thereon in each of said Counties of Kent and Sussex, setting down the several items of costs, and if a road be laid out, shall in their returns set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said returns the afore-mentioned plots, to wit: one plot to each return, on which shall be shown the part of said road which shall be in Kent County, and also that part of said road which shall be in Sussex County.

Commissioners appointed to lay out a new road.

Where to be laid out.

May employ a Surveyor.

Plots.

Damages.

Return of Commissioners, what to show.

Plots and returns, where filed.

SECTION 2. The plots and returns so to be made as aforesaid, by the said Commissioners, shall be returned, one to the Clerk of the Peace in and for Kent County aforesaid, and one to the Clerk of the Peace in and for Sussex County aforesaid, to be by them.

* So in original.

laid before the Levy Court of the said counties respectively, and the said Levy Court may establish so much of said road as may lie within their respective counties as a public road or highway, and may settle such damages as shall have been assessed by said Commissioners to persons in their respective counties, and the said Levy Court may make such appropriations as they may deem sufficient to open and make so much of said road as shall lie within their respective counties, and when said road shall have been so established as a public road by the Levy Court of said counties respectively, the same shall be and remain subject to the same regulations and laws as other public roads in said counties respectively.

Damages,
how paid.

SECTION 8. The said Commissioners and Surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment, respectively, which oath or affirmation may be administered by any officer qualified to administer oaths in either of said counties, or either of said Commissioners may administer the same to any other of said Commissioners or the Surveyor. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed Commissioner or Commissioners by any Judge of this State, or by any Justice of the Peace in either of said counties.

Commission-
ers and Sur-
veyor to be
sworn.

Vacancies,
how filled.

Passed at Dover, February 21, 1861.

CHAPTER 45.

An Act reincorporating "The Marshy Hope Improvement Company."

WHEREAS the "Marshy Hope Improvement Company," created and formed under and by virtue of an act of [the] General Assembly of this State, entitled "An act for the relief of the owners and possessors of certain marsh and low grounds, generally called and known by the name of Big Marsh of Marshy Hope, and to enable the owners and possessors of said marsh and low ground, and the marsh and low ground contiguous thereto, to ditch, drain, and reclaim the same," passed at Dover, February 2d, 1832, has ceased to exist by the limitations imposed by the 17th Section of the second article of the Constitution of this State; and whereas great inconvenience and injury may arise therefrom to the persons for whose benefit the said act was passed, Therefore, for the purpose of avoiding the inconvenience and injury apprehended,

Preamble.

and for the purpose of enabling the members of the former Company to reorganize and become reincorporated:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That the owners and possessors of the swamp, marsh, and low grounds, situate upon and contiguous to the aforesaid big marsh of Marshy Hope, for whose relief the aforesaid act of February 2d, 1832, was passed, and who were members of the Marshy Hope Improvement Company, formed under said act and interested in the ditches, drains, and improvements made under and by virtue of the said act, shall compose a Company, to be called the "Marshy Hope Improvement Company," for the purpose of effectually draining, ditching, and reclaiming the said swamps, marshes, and low grounds, and cleansing and keeping open the drains and ditches, cut and opened under and by virtue of the said act of February 2d, 1832.

SECTION 2. The said Marshy Hope Improvement Company, hereby reincorporated, shall hold a meeting on the first Monday in April, in the year of our Lord one thousand eight hundred and sixty-one, for the purpose of choosing a Treasurer for the Company, and one Manager for each division, as laid off by the Commissioners under the aforesaid act of February 2d, 1832. The manner of choosing shall be by ballot, and a majority of votes cast shall determine in all elections for officers. And the said Company shall hold its annual meetings on the first Monday in April, in each and every year thereafter, for the purpose of electing the officers of the Company aforesaid, in the manner aforesaid, and for the purpose of determining all such matters and things as the said Company may deem requisite for effectually draining and reclaiming the said swamps, marsh, and low grounds, either by clearing out and scouring such ditch or ditches as has or have already been cut and opened, or by cutting new ones, or otherwise, and such annual meetings may be adjourned from time to time; and occasional meetings of the Company may be called by the Managers, or a majority of them, upon five days written notice, posted in three suitable places, and the Company, at an adjourned or occasional meeting, may do such acts and things as may or might be done at an annual meeting.

SECTION 3. That at all the meetings of said Marshy Hope Improvement Company, every owner of marsh or low grounds liable to be taxed by said Company may vote, if present; and every absent owner may vote by proxy regularly constituted upon the following principle, that is to say: every owner of marsh or low grounds, liable to be taxed by said Company, shall have one vote; every owner as aforesaid whose marsh or low grounds shall exceed in the assessment thereof the sum of one hundred dollars,

shall have two votes; every owner as aforesaid whose marsh or low grounds shall exceed in the assessment thereof the sum of two hundred dollars, shall be entitled to three votes, and in the same proportion of one vote for every hundred dollars of assessment as aforesaid.

SECTION 4. The said Marshy Hope Improvement Company shall, whenever a majority of all the members shall so determine at any annual meeting, have power and authority to elect or choose by ballot three disinterested and suitable persons, resident in Kent County, as Commissioners to make a valuation and appraisement of the swamps, marsh, and low grounds of the said Company, and generally to do, and the Commissioners so chosen are hereby authorized and empowered to do, all and every thing or things, act or acts, which the Commissioners chosen under and by virtue of the act of February 2d, 1832, aforesaid, may or could have done, and said valuation and appraisement so made shall be binding upon the said Company, and shall not be altered for five years thereafter, unless by a vote of two-thirds of the members of the Company; but until such valuation and appraisement be made as aforesaid, the valuation, appraisement, and assessment, under and by virtue of the act creating the Marshy Hope Improvement Company, passed at Dover, February 2d, 1832, shall be the valuation, appraisement, and assessment, upon the said swamps, marsh, and low grounds of the Marshy Hope Improvement Company.

Commissioners to make new valuation.

Their powers.

How long valuation to continue in force.

SECTION 5. The Treasurer of said Company shall have power to collect, receive, levy, and make all and every the taxes which shall be laid and assessed at any time within three years after the same may have been laid and assessed.

Powers of Treasurer.

SECTION 6. The Company hereby created may, at the first or at any annual meeting, authorize the Treasurer to pay such sum or sums of money as may, by a vote of the Company, be allowed to any person or persons for work done upon the ditches and drains of the Company since the first day of January, A. D. 1860, and for which such person or persons have never been paid; but all such payment shall be deducted from the money applicable to the division or prong upon which such work was done, and such payment shall be made by the Treasurer upon the order of the Manager of such division.

Company may pay for work done before 1st of Jan'y, 1860.

SECTION 7. The Company hereby created shall have all the rights and incidents conferred upon the Marshy Hope Improvement Company by the act of February 2d, 1832, aforesaid, and the Managers and Treasurer shall respectively be invested with all the powers, and be subject to all the duties, as were invested in and imposed upon the Managers and Treasurer of the Marshy Hope Improvement Company. All the provisions of the act of February the 2d, 1832, aforesaid, and the supplement thereto,

Powers of Company, and of Managers and Treasurer.

Provisions of act of Feb

1832, extended.

passed at Dover, February 15th, 1845, so far as they are at present applicable to the condition and circumstance of the Company hereby reincorporated, and not inconsistent with any provision of this act, are hereby extended and applied to the Marshy Hope Improvement Company, hereby created and reincorporated.

Passed at Dover, February 21, 1861.

CHAPTER 46.

An Act to lay out a Public Road from Felton to the road to Ross' Crossing.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That William Simpson, John S. Kersey, Peter L. Bonwill, Nathaniel Herrington and Henry J. Anderson be, and they are hereby appointed to go upon the premises, and determine whether there is need of a new public road, commencing at the public road leading from Felton to Frederica, on the east side of land owned by the Delaware Railroad Company, and running thence, binding with the land of said Company, and on the east side thereof until it reaches the road from Canterbury Station to Ross' Crossing; and if they, or a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful Surveyor to be selected by them, lay out the said new public road. The said Commissioners shall make a map of said road, showing its courses and distances, the woodland and cleared land through which it passes, and other proper notes, and shall assess the damages of every the owners and holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein separately, and shall make said map, assessment of damages, and computation of cost, part of their return, and shall return their proceedings to the Court of General Sessions of the Peace and Jail Delivery at its then next session, in and for Kent County. The effect of such return, when the same shall have been made, shall be the same as if the said return had been upon proceedings had upon petition to the Court of General Sessions of the Peace and Jail Delivery in and for Kent County, to lay out a public road, and the same persons had been appointed by the said Court, and had duly made return of their proceedings.

Subsequent
Returns.

SECTION 2. All subsequent proceedings in relation to said road

shall be the same as provided in Chapter 60 of the Revised Statutes, in reference to public roads in Kent County, and when the Levy Court shall have approved the said road, it shall be deemed and taken as a public road of Kent County, and be subject to the same laws and regulations that govern the public roads therein, laid out under the provisions of said Chapter.

To be a public road.

SECTION 3. The said Commissioners and Surveyor, before viewing the premises, shall be severally sworn or affirmed faithfully and impartially to perform the duties incumbent on them respectively; either of said Commissioners may administer the oath or affirmation to the others and the Surveyor; a majority may do or determine any matter. In case of a vacancy, another or other Commissioners may be appointed by the Governor, whose duties shall be the same as hereinbefore provided. The fee of the Commissioners, Surveyor, and chain carriers, shall be the same as provided by law for such services, in case of laying out public roads, and be paid in like manner.

Commissioners to be sworn.
Majority may act.
Vacancies, how filled.
Fees.

Passed at Dover, February 26, 1861.

CHAPTER 47.

An Act to incorporate the Town of Felton, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring :) SECTION 1. That John W. Carter, Nathaniel P. Luff, Jehu Clifton, Andrew J. Wright, and Dr. Joseph Simpson are hereby appointed Commissioners, whose duty it shall be, with the assistance of a skillful Surveyor, to be by them chosen, to survey and lay down on a plot the town of Felton, establishing its limits, and marking and describing its streets, alleys, lanes, and sidewalks; and shall, when all the service is performed, return the plot under their hands, to the Recorder's office at Dover, to be recorded, and the original and the record or certified copy thereof shall be evidence; all the Commissioners must act, but the decision of a majority shall govern. They and the Surveyor, before entering on the duties under this Section, shall take an oath or affirmation to discharge them with fidelity; and the aforesaid return shall show that this qualification was complied with.

Commissioners appointed.
Their duties.
Plot of town.
What to show.
Commissioners and Surveyors to be sworn.

SECTION 2. The Commissioners hereby appointed, and their successors in office to be chosen as hereinafter provided, shall be

Commissioners incorporated.

Name. a body politic and corporate, in fact and in law, by the name of the Commissioners of Felton, and shall sue and be sued by that name. They shall, in addition to the powers hereinbefore conferred, have power to regulate the streets, lanes, alleys, and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stovepipe fixtures, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired or remedied; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols; the making of bon-fires or setting off of fireworks, or any dangerous sport or practice; and to prevent or suppress any noisy and turbulent assemblages of negroes, boys, or other persons within the town; and generally they shall have any and all of the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

Term of office of Commissioners. **SECTION 3.** The Commissioners, herein named, shall continue in office till the first Saturday in March, A. D. 1862, on which day, in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Felton, at the Fountain House Hotel, from the hour of two till the hour of four o'clock, P. M., for five Commissioners, who shall be residents of said town and freeholders therein. The said election shall be held by two persons, chosen by the voters present, who shall receive the ballots, ascertain the result, and certify the same in the town record. At such election every white male and female by proxy taxable of said town above the age of twenty-one years provided such female be unmarried shall be entitled to vote. The two citizens aforesaid shall be the Judges of said election, and shall decide on the legality of the votes offered.

Elections, when held.

Where held.

How conducted.

Who may vote.

Judges.

Stated meetings. **SECTION 4.** There shall be four stated meetings, in every year, of the said Commissioners, viz: on the third Saturday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornament, and general welfare, as by said Commissioners may be deemed proper: *Provided*, The same be not repugnant to the constitution or laws of this State. By such ordinances they may impose fines, penalties, and forfeitures, and provide for their collection.

When held.

For what purposes held.

Town tax. **SECTION 5.** The aforesaid Commissioners shall, at their first stated meeting, in every year, determine the amount of tax to be raised on said town for that year, not exceeding one hundred

dollars, excluding the dog tax, and shall appoint an Assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning real estate, as those not owning such estate within its limits, and also to ascertain the number of dogs in said town, and the owners of such dogs, assessing each dog to the owner thereof at fifty cents, and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being, a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. When the assessment is returned, the Commissioners shall give five days public notice of that fact, and that they will sit together at a certain day and place to be designated by them, from one to four o'clock in the afternoon, to hear appeals from said assessment. They shall have power at such day to add to or decrease any assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of one dog. When the appeal day has passed, they shall without delay cause the assessment list to be transcribed, and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commissions and delinquencies which shall be allowed by the Commissioners, to the Treasurer by the first day of September next, after the receipt of his duplicate. The Collector shall have the same powers for the collection of the said taxes as are conferred by the law on the Collectors of county taxes.

Duties of the Assessor.

Tax on dogs.

Duties of Commissioners on return of assessment.

Appeals.

Power of Collector.

SECTION 6. The Commissioners, or a majority of them, shall have authority to employ the money of the treasury of the town for the general improvement and benefit and ornament of the said town as they may deem advisable, and all money paid out by the Treasurer shall be paid upon the order of the Commissioners or a majority of them.

Town money, by whom and how expended.

SECTION 7. Any ordinance for the paving or improving of the sidewalks, shall apply only to those persons owning the property fronting upon them, who, and who alone shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with within three months, the Commissioners may procure the materials and work to be found and done, and collect the expense of the same on ten days notice, by advertisements at four of the stores of said town, out of the personal or real estate of the defaulter within the limits of the town. The sale may be made by any one whom they may depute

Ordinance relation to sidewalks.

for that purpose, and if the proper notice has been given, the sale shall be valid, and transfer all the title of the defaulter in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the Treasurer for the use of the town; but if there be any surplus after meeting the claim for which the sale was made, it shall be paid to the defaulter. The Commissioners shall allow reasonable fees for seizing the property and making sale.

Town Alderman.

SECTION 8. The Justice of the Peace resident in the said Town of Felton, or if there be more than one, the oldest in commission, and if no Justice of the Peace shall reside in the said town, then the Justice longest in commission holding office there, shall be the Town Alderman; and all the provisions of the act 11th February, 1841, 9th vol., 349, which appertain to the Alderman of the Town of Dover, shall be applied and extended to him as Town Alderman of the Town of Felton. The Constable resident in said town, and in case no such officer resides in the town, then the Constable resident nearest thereto shall be the Town Constable, and all the provisions of the act aforesaid, shall be applied to him as Town Constable of the Town of Felton.

Town Constable.

Acts in relation to town of Dover to be applicable to Felton.

SECTION 9. All the provisions of the several acts of the General Assembly of this State, in relation to the Town of Dover aforesaid, not inconsistent with this act, may be applied by the Commissioners of the Town of Felton to the government of that town, and shall have the same effect when so applied; and all proceedings in accordance with them shall be as valid as if they were authorized in this charter.

Limits of town.

SECTION 10. The Commissioners named in the first Section of this act, in forming and establishing the limits of the Town of Felton, shall start at a point in the centre of the road leading from Frederica through Felton to Berrytown, where the Delaware Railroad crosses the same, and shall not extend the limits of the said Town of Felton over one quarter of a mile in any direction from said point, nor shall they have power to close any street, lane or alley now open in said town, upon which any buildings or improvements have been erected, but shall cause the same to be laid down on the plot required to be returned to the Recorder's office, at Dover, by the first Section of this act.

Treasurer and Collector to be sworn.

SECTION 11. The Treasurer and Collector shall be severally sworn or affirmed to discharge their respective duties with fidelity, by any Justice of the Peace of this State.

Special Constable.

SECTION 12. In case of necessity, the Alderman is hereby authorized to appoint a special Constable, to execute any duties required to be performed by the Town Constable, and he shall act in the discharge of such duties under a penalty of five dollars, to be imposed by the Alderman and collected as other fines.

SECTION 13. The Commissioners shall appoint a Town Clerk, Town Clerk who shall keep a record of the proceedings of the Commissioners, Duties, and the same shall be evidence.

SECTION 14. The Commissioners named in this act, or their successors, shall have no power to tax any unimproved property to be taxed. within the limits of said town.

Passed at Dover, February 21, 1861.

CHAPTER 48.

An Act concerning Notaries for Banks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That whenever any person hereafter to be appointed a Notary Public for any bank in this State shall, at the time of such appointment, have any official connection with such bank, and such official connection shall, at any time afterwards, and during the period whilst his commission as Notary Public would otherwise continue, be dissolved, so that he shall cease to hold any position in such bank as an officer thereof; then, in such case, the commission of such person as Notary Public shall expire and be vacated, and the Governor shall appoint another person, in his stead, as Notary Public for said bank.

The Commission of any person, appointed Notary Public, being an officer of a bank, to expire when he ceases to be an officer of the bank.

Passed at Dover, February 21, 1861.

CHAPTER 49.

An Act to amend Section 1st of Chapter 34th of the Revised Statutes of the State of Delaware.

[**SECTION 1.**] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 1st, Chapter 34 of the Revised Statutes of this State be, and the same is hereby amended by inserting the word "two" in place of the word "one," in the third line, and also by inserting after the words "Christiana Hundred," "one of whom shall reside at Riddle's Mills on the Brandywine."

Section 1 of Chapter 34 of Revised Code amended. How.

Passed at Dover, February 21, 1861.

CHAPTER 50.

A Supplement to the Act entitled "An Act to incorporate the Duck Creek Improvement Company."

Del. Laws.
Vol. 11, Page
672.
Part of 2d
Section of
original act
annulled.

New line of
embank-
ment.

Where to be.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch concurring): SECTION 1. That the act of the Commissioners appointed by the 2d Section of the act to which this is a supplement, so far as the same relates to the location of the embankment between the light-house at the upper end of Bombay Hook Island and the end of the fast land of said Island be, and the same hereby is annulled and vacated, and in lieu thereof a new line of embankment shall be made by the Managers of said Company, to be elected at the annual meeting in April next, which said line shall not at any point be at a greater distance from the bay-shore than two hundred and fifty yards, unless by the consent of the owners of said Island. And that the act of said Commissioners, so far as the same relates to the location of the line of embankment on the public road from the steamboat landing at Long Point, on the main land to the aforesaid light-house, be also vacated and annulled; and the old bank at the upper end of said Island, made by John R. Brick, a former owner of said Island, be, and the same hereby is declared to be the true line of embankment at that end. And further, the embankment on the mainland, dividing the lands of James L. Bewley from those of Isaac Short, be, and the same hereby is declared to be the true line of embankment for the upper end of the main lands and marsh within said Company's jurisdiction and improvement, provided the said James L. Bewley gives his consent thereto; upon which consent being obtained, the act of the aforesaid Commissioners, making the public road leading down to the aforesaid steamboat landing a part of said Company's line of embankment be, and the same hereby is also vacated and annulled.

Survey of
new line of
embank-
ment.

Plot.

Where re-
corded.

SECTION 2. An accurate survey shall be made of the course of the line of embankment of the said Company as changed by this act, and a calculation and estimate made by him [the Surveyor] of the additional lands or marsh included within and embraced by said new lines of embankment, and the plot thereof signed by him and by the Commissioners hereinafter referred to, shall be duly recorded in the Recorder's office at Dover, and the lands and marsh lying within said new lines of embankment shall constitute a part of said Company's assessable property, and shall be duly appraised by the same Commissioners as are named in the second Section of the act to which this is a supplement, and their appraisement certified on the plot aforesaid, before the same is recorded.

Who may be
Managers.

SECTION 3. Any owner of land within said Company's works,

residing within this State, may be elected a Manager of said Company, and shall have power to act as such.

SECTION 4. The Levy Court of Kent County may adopt the stopping of old Duck Creek at the upper end of said Island, made by the aforesaid Company, as part of the public road leading on to said Bombay Hook Island, and may make necessary appropriations of money, from time to time, to put the same in good traveling condition and keep up the repair thereof.

Levy Court of Kent County may adopt part of said work as a public road.

SECTION 5. All and every part of the original act to which this is a supplement, inconsistent herewith, be and the same hereby is repealed.

So much of original act as is inconsistent herewith repealed.

Passed at Dover, February 21, 1861.

CHAPTER 51.

A Supplement to the Act entitled "An act to authorize the construction of a Public Bridge across Blackbird Creek, in New Castle County," passed at Dover, February 16, 1859.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Levy Court Commissioners of New Castle County aforesaid be, and they are hereby authorized, empowered, and directed to cause to be built and constructed the bridge and abutments, causeways and roads, leading to and from said bridge, as contemplated in the act to which this act is a supplement, so as to build and construct the said bridge over said Blackbird Creek, in a straight line between the county road on the south side of the hill, where it passes between the old red store and the dwelling-house, and what is known as Gin's Landing on the north side of said Creek, where another public road leads to; and the said Levy Court Commissioners shall cause a pivot bridge to be built and constructed over said Creek, at the place hereinabove designated, instead of such bridge as is mentioned in the second section of the act to which this is a supplement, and of sufficient span, in the clear, as to admit the passage of all such vessels, and boats, and scows that navigate, and are used upon said Creek. And the site of said bridge, as mentioned in said original act, and therein authorized to be constructed, is hereby changed, so as to conform to the provisions of this supplemental act.

Del. Laws, Vol. 11, page 661.

Levy Court Commissioners of New Castle County authorized to construct certain roads to connect with bridge. Where bridge to be built.

To be a pivot bridge.

How to be constructed.

SECTION 2. *And be it further enacted as aforesaid, That* the said Levy Court Commissioners shall have full power, and they

Levy Court Commissioners of New

are hereby authorized to cause to be made and constructed all such causeways, abutments, and roads on each side of said Blackbird Creek as may be necessary to the full and free use by the public of said bridge, and of the same width as to the said bridge, abutments, and causeways, and with the same kind of railing on each side of said bridge and abutments, or stone wall instead of said railing, as the said Levy Court Commissioners may deem best, as are provided for in the said act, to which this act is a supplement.

SECTION 3. *And be it further enacted as aforesaid,* That so much of said act to which this act is a supplement, as is hereby changed, altered, or amended, and no more, is hereby repealed; and all other provisions, relating to the construction of a bridge over said Blackbird Creek, and the powers and duties of said Levy Court Commissioners, and in regard to the mode of assessing the damages to the landowners, and the expenses of constructing said bridge, abutments, causeways, and roads, and the public character of the same, and the future repairs thereof as are provided for in the said original act, to which this act is a supplement, be and the same are hereby re-enacted and continued in full force and operation.

Passed at Dover, February 21, 1861.

CHAPTER 52.

An Act for the improvement of the Navigation of the Christiana and Brandywine Creeks, within the limits of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows: SECTION

1. The City Council of the City of Wilmington may, from time to time, in its discretion, cause to be removed any portion of the soil lying in the beds of the Christiana and Brandywine Creeks, or any deposits of mud, or accumulations of matter in the same. The power herein granted does not extend to any portion of said Creeks outside of the City limits. One-half of the expense incurred by such removals shall be paid out of the City Treasury, and when from that portion of the Christiana which is below the mouth of the Brandywine Creek, shall be wholly paid out of the City Treasury.

SECTION 2. The City Council shall, at its first stated meeting, in the month of April, in the year one thousand eight hundred and

sixty-one, elect five Wharf Commissioners, not being members of Council, one for each of the terms of one, two, three, four and five years. The City Council shall, at its first stated meeting, in the month of April, in every year thereafter, elect one Wharf Commissioner, not being a member of Council, for the term of five years, and until a successor is elected. The compensation of the Commissioners shall be such as the City Council may allow.

Term of office.

Their compensation.

SECTION 3. Upon the completion of any work, or any portion of any work, as provided for in the 1st Section, the Wharf Commissioners shall assess one-half of the expense thereof upon the owners of real estate bordering or fronting on the Creek in which such work has been performed, in proportion to the benefit or advantage which the improvement will be to each owner and his property. The Commissioners shall apportion the assessment in respect to any particular lot of land between the separate owners of different interests or estates in said lot, on equitable principles, specifying the sum assessed to each separate owner of any interest in said land. The Mayor and Council of Wilmington shall be subject to assessment as other owners, in respect to streets abutting on said Creeks, or other property owned by them and fronting on the same.

Apportionment of expense of work done.

SECTION 4. The Commissioners shall, immediately upon the completion of any assessment, deposit a report of the same in the office of the Clerk of the City Council, and shall give two weeks public notice in one or more newspapers published in the City of Wilmington, stating that such report has been made, and that the same remains open for inspection at the Clerk's office, and also that said Commissioners, and the Committee on Navigation, for the time being, will sit as a Court of Appeals, at the time and place to be named in said notice, to hear objections to said assessment, and to alter or amend the same, if said Court deem it necessary so to do. They may adjourn from time to time, not exceeding ten days in all, and shall then prepare a copy of said report, with its amendments and alterations, if any, and shall file the same, with their certificate of its correctness attached, in the office of the Clerk.

Report of assessment.

When made.

Notice thereof.

Court of appeals.

SECTION 5. Upon the filing of the report and certificate, as provided for in Section 4, the City Auditor shall forthwith present a bill for the amount assessed to each property to the owner or occupier of the same, and if the amount thereof be not paid in thirty days after presentation, it shall be the duty of the Mayor of the City to issue his warrant, directed to the City Auditor, commanding him to levy the same, with costs, on the goods and chattels of such owner, or if no such goods and chattels can be found within the City sufficient to satisfy such debt and costs, then to levy the same on the lot of land, in respect to which such assessment shall have been made, and to sell the same at public

Duty of City Auditor after report filed.

Expenses, how collected.

City Auditor
to execute
deed to pur-
chaser.

auction, on ten days notice in two newspapers published in the City, for the shortest term which will satisfy said debt and costs. The said warrant being returned to the Mayor, and the sale approved by him, the City Auditor shall execute a deed conveying to the purchaser or purchasers all the estate and interest of such owner in the premises sold, for the term for which they were sold. The assessment upon any owner having been paid out of the City Treasury, the same may be recovered from him in an action of debt, in the name and for the use of the City, as debts of like amount are recoverable at law.

Ordinances
to carry into
effect this
act.

SECTION 6. The City Council shall have authority to pass ordinances to carry into execution the provisions of this act, whenever the same may be necessary.

Passed at Dover, February 21, 1861.

CHAPTER 53.

An Act to provide for the Idiotic Children of the State of Delaware.

Associate
Judges to be
Trustees for
indigent im-
becile child-
ren of this
State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Associate Judges of the Superior Court shall be Trustees for the indigent, imbecile children of the State, and application may be made to them for the admission of any such children into the Pennsylvania Training School for feeble-minded children, near Media, Delaware Co., Pennsylvania.

Trustees to
furnish
statement of
each appli-
cants condi-
tion.
When re-
commended
to the Gov-
ernor, how
admitted
into the in-
stitution.
How many
may be ad-
mitted.
Limitation
as to sum to
be paid by
State.
Expenses,
how paid.

SECTION 2. *And be it further enacted,* That the said Trustees shall require a statement of each applicant's condition and circumstances, to be forwarded to the Superintendent of said institution, upon whose certificate approving said applicant as one who may be benefitted by admission, the said Trustees shall recommend said applicant to the Governor, who shall cause said applicant to be admitted, upon his warrant to the Superintendent of said institution. *Provided,* That not more than two imbecile children from each county shall be in the institution at the same time, and that not more than twelve hundred dollars shall be paid by the State in any one year.

SECTION 3. *And be it further enacted,* That the Governor is authorized to draw his warrant on the Trustee of the School Fund, in favor of the Superintendent of said institution for such amount for each indigent pupil of this State, as shall be paid by the State

of Pennsylvania for indigent imbeciles of that State taught in said institution.

SECTION 4. *And be it further enacted,* That the Governor's warrant shall specify the name and residence, to wit: the county of each pupil for whose benefit it is drawn; and the Trustee of the School Fund shall charge the sum paid for each pupil upon the income of the school fund due to such county, and shall deduct it therefrom at the next apportionment.

Governor's warrant to specify—what.

SECTION 5. *And be it further enacted,* That the said Trustee shall communicate to the Legislature the annual report received from said institution, with the details respecting the indigent pupils from this State, their number, names, residence, and the expenditures on their behalf.

Trustee to report to the Legislature.

Passed at Dover, February 22, 1861.

CHAPTER 54.

An Act to change the appropriation made by the act entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, to certain Commissioners for the purpose of building an Academy at Concord.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the share or portion of the moneys appropriated by the act entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, and therein directed to be paid to Thomas A. Jones, George W. Green and James Morgan, Commissioners appointed by said act to superintend the building of an Academy at Concord, in Sussex County, shall be, and the same is hereby directed to be paid to the School Committee for the time being, of School District No. 58, in Sussex County, to be used and accounted for by said Committee as other school funds are accounted for under the provisions of Chapter 42 of the Revised Statutes of the State of Delaware, entitled "Of Free Schools." The provisions of this act shall not only apply to moneys hereafter to be paid under said act of January 26, 1859, but shall also be applicable to the installments heretofore paid into the Treasury of the State under the provisions of said act: *Provided,* The same have not been paid out by the State Treasurer; but it shall and may be lawful for the Commissioners appointed to superintend the construction of said

Del. Laws. Vol. 11, page 384.

Money appropriated by original act to Commissioners for building an academy at Concord, in Sussex County, directed to be paid to the School Committee.

Proviso.

Academy, to pay over any money which they have heretofore received under the provisions of said act of January 26, 1859, to the School Committee for the time being for said School District No. 58.

Passed at Dover, February 26, 1861.

CHAPTER 55.

An Act to amend Section 8 of Chapter 48 of the Revised Statutes of the State of Delaware.

Section 8,
Chapter 48,
Revised Code
amended.

How amend-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 8, of Chapter 48 of the Revised Statutes of the State of Delaware, be amended by striking out the 24th and 25th lines of said Section, which read as follows, viz: "The Overseer's salary shall not exceed one hundred and fifty dollars a year, to be paid by the Board of Trustees," and inserting in lieu thereof the words "the Board of Trustees of the Poor shall employ an Overseer, and shall pay said Overseer a just and reasonable compensation for his service, to be by them determined."

Passed at Dover, February 26, 1861.

CHAPTER 56.

An Act to authorize the removal of obstructions in Bottom Hill Drain, in Indian River Hundred of Sussex County.

Certain per-
sons author-
ized to re-
move ob-
structions in
Bottom Hill
drain.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* it shall and may be lawful for John B. Mustard and John B. Hazzard, of Indian River Hundred, and Zadock Milby of Lewes and Rehoboth Hundred of Sussex County, and they be and are hereby authorized to remove all and every the obstruction and obstructions, dam or dams which may now or hereafter be erected or placed in or across the said Bottom Hill drain, so as to allow the free passage of water out of and into Rehoboth Bay.

Passed at Dover, February 26, 1861.

CHAPTER 57.

An Act concerning the binding out to service of Free Negroes and Mulattoes.

[*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*] SECTION 1. That from and after the passage of this act it shall be unlawful to bind any free negro or mulatto child to any other free negro or mulatto within this State. Binding of negro to negro or mulatto prohibited.

SECTION 2. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts now in force, conflicting with the provisions of Section one of this act be, and the same are hereby repealed and made null and void. Inconsistent acts repealed

Passed at Dover, February 26, 1861.

CHAPTER 58.

A further Supplement to the Act entitled "An Act to Incorporate the Wesleyan Female Collegiate Institute."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch concurring therein,) That the purpose of the incorporation of "The Wesleyan Female College," as declared in the first Section of a supplement to the act mentioned in [the] title hereto, passed January 17, 1855, be, and the same is hereby changed and modified, so that hereafter the purpose of said incorporation may, in the discretion of the Trustees of said corporation, include the education of both males and females in Wilmington, Delaware, and that all the provisions of said last mentioned supplement be, and the same are hereby extended, so as to apply to the said corporation as an institution for the purpose herein declared. Provisions of Section 1 of supplement to original act changed. How changed.

SECTION 2. *And be it further enacted,* That this act shall take effect whenever the said corporation shall, under its corporate seal, certify to the Secretary of State its acceptance of the same, such certificate to be filed in the Secretary's office, and entered on the Executive Register. The said corporation may also in such certificate certify its adoption of any corporate name suitable to the proposed change in the purpose of incorporation, and such name so certified shall thereafter be the name, style and title of the corporation, and so deemed and taken in all courts of law and equity. When this act to take effect. Certificate to Secretary of State. What may be stated in certificate.

Passed at Dover, February 26, 1861.

CHAPTER 59.

An Act to Incorporate a Society under the name and title of "The Agricultural Society of Sussex County, Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch concurring,) That* Shepard P. Houston, George M. Cooper, Robert A. Houston, Henry F. Rodney, John Fletcher, Joseph H. Dodd, Lemuel P. Burton, William A. Dodd, Robert A. Lynch, and Robert Fisher, and all others whose names are found entered upon the books of the association known as the "Sussex County Agricultural Society," as members thereof, together with their successors, be, and they are hereby declared to be one body corporate and politic, in deed and in law, under the name, style and title of the "Agricultural Society of Sussex County, Delaware," and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State, and shall have and possess full power to make all ordinances, by-laws and regulations not being contrary to the constitution and laws of this State or of the United States, which they or a majority of them [may] from time to time deem proper for perpetuating, well ordering and governing the affairs of the said Society, and for carrying into full and complete effect the designs of the said institution.

SECTION 2. *And be it enacted,* That the Agricultural Society of Sussex County, Delaware, shall by that name be able and capable in law to have, take, purchase, possess, enjoy, and retain to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what kind, nature or quality soever: *Provided,* The clear income arising from the same shall not exceed the sum of one thousand dollars: and the same to sell, grant, demise, alien or dispose of, as to the said Society may seem most beneficial to the well-being of the same, and generally have power to act and transact all matters and things which bodies politic and corporate may lawfully do.

SECTION 3. *And be it enacted,* That the said Society, to promote and encourage agriculture and improve husbandry, (the object of its institution,) shall have right and power to ordain and grant premiums and medals or other gratuities as rewards of merit, exertions, discovery or improvement on the objects aforesaid, as they shall from time to time judge proper.

SECTION 4. *And be it enacted,* That every matter herein contained shall be construed and taken most favorably for the said corporation: *Provided always, nevertheless,* That the said Society, under and by the aforesaid name of incorporation, or under any

other name or style whatsoever, shall not have power to emit or issue bills of credit.

SECTION 5. *And be it enacted*, That this act of incorporation shall continue in full force and effect for twenty years from the passage thereof, unless sooner revoked by the Legislature of this State. Continuance

Passed at Dover, February 26, 1861.

CHAPTER 60.

A Supplement to the Act entitled "An act to incorporate a Bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," passed at Dover, February 25, 1859.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two thirds of each branch of the Legislature therein,) as follows, Del. Laws.
Vol. 11, page
748.
viz: SECTION 1. The act entitled, "An act to incorporate a Bank in Milford, under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," passed at Dover, February 25, 1859, as the same may be changed, altered, and modified by this act, shall be and is hereby revived, renewed, Original
charter re-
vived and
continued
for 20 years. and re-enacted; and the corporation and body politic made and created by said act, by the name of "The President, Directors and Company of the Farmers' and Mechanics' Bank of Milford," shall be revived and continued and have succession for twenty years from the passage of this act.

SECTION 2. It shall be lawful for the Commissioners named in the first Section of said act, to which this act is a supplement, to procure and open the subscription books in said first Section mentioned, on or before the first Tuesday of August, A. D. one thousand eight hundred and sixty-one; and they may procure new books in case the old ones cannot be found, and the subscriptions heretofore made (if any shall have been made) shall be treated as a nullity: *Provided*, That notice of the time and place of opening said new books shall be given as prescribed in said first Section of said act to which this is a supplement. Commission-
ers named in
original act
may open
books.
When.
May procure
new books.
Notice of the
time and
place when
books will
be opened to
be given.

SECTION 3. In the eleventh line of Section 7 of the said original act, the word "meeting" shall be inserted after the word "first," and the word "two," between the word "to" and the word "thousand," in line 4 of Section 11 of said original act, is hereby stricken out, and the word "four" inserted in lieu thereof. Sections 7
and 11 of
original act
amended.

\$30,000 to be paid in; how it may be paid in.

SECTION 4. The sum of twenty thousand dollars, required by Section 5 of said original act to be paid in and deposited in the vaults of said Bank, one-half in specie and the other half in notes of banks of this State, or of the City of Philadelphia paying specie, may be paid in entirely in specie, or any sum not less than one-half of said sum of twenty thousand dollars may be paid in in specie, and the residue thereof in notes of banks of this State in good credit.

Not more than six Directors to be re-elected.

SECTION 5. It shall not be lawful to elect for any year more than six of the Directors elected the next preceding year.

Act amending Chapter 636 of Del. Laws, Vol. 11, repealed.

SECTION 6. The act entitled, "An act to amend Chapter six hundred and fifty-nine of the eleventh volume of the Laws of the State of Delaware," passed at the present session, and so much of the original act to which this is a supplement as may be inconsistent with the provisions of this act, are hereby repealed.

Corporation to be organized before January 1st, 1863.

SECTION 7. That if the corporation hereby revived and re-enacted shall not be fully organized on or before the first day of January, one thousand eight hundred and sixty-three, then and in that case this supplement shall be null and void, and of no effect, and the said corporation shall enjoy and exercise no corporate rights.

Passed at Dover, February 26, 1861.

CHAPTER 61.

An Act in relation to binding by "The Northern Home for Friendless Children."

Binding by the Northern Home for Friendless Children authorized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That indentures of apprenticeship made or to be made by a corporation of the State of Pennsylvania, called "The Northern Home for Friendless Children," with any citizen of this State, by which any minor, subject to its authority, has been or shall be bound as an apprentice or servant, shall be as valid and effectual in all respects as a legal binding made in this State of a minor resident within the same: and the law of this State in relation to apprentices and servants shall apply to all such cases of binding.

Laws of State applicable to such binding.

Passed at Dover, February 27, 1861.

CHAPTER 62.

An Act to amend the Charter of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch thereof concurring:) SECTION 1. The wards of the said City shall be divided into voting precincts as follows: That part of the 3d Ward lying between 4th street and 7th street, and between Market street and the western boundary line of the City, shall be the first precinct of the 3d Ward. That part of the 3d Ward lying between 7th street and 10th street, and between Market street and the western boundary line of the City, shall be the 2d precinct of the 3d Ward. That portion of the 4th Ward lying between 4th street and 7th street, and between Market street and the eastern boundary line of the City, shall be the first precinct of the 4th Ward. That part of the 4th Ward lying between 7th street and 10th street, and between Market street and the eastern boundary line of the City, shall be the 2nd precinct of the 4th Ward. Whenever a street is named as a boundary in this Section, the centre thereof shall be understood. It shall be lawful for the City Council to divide the first, second, and fifth Wards into two or more precincts, and to rearrange the divisions as hereinbefore made, and to increase the number of precincts, if necessary, and to provide for holding the City elections conformably to any such new arrangements.

Wards divided into voting precincts.
How divided

1st, 2nd, and 5th Wards may be divided into two or more precincts.

SECTION 2. An election shall be held in each precinct on the first Tuesday in September, in the year one thousand eight hundred and sixty-two, and on the same day in every year thereafter; to be opened between the hours of twelve o'clock, noon, and one o'clock, afternoon, and to continue open until seven o'clock in the afternoon, when the same shall be closed. The place of holding such election in each precinct shall be appointed and advertised by the inspector and assistants of election for said precinct, or any two of them, by advertisements posted in three or more of the most public places in such precinct, at least seven days before the day of election.

City Elections.
When held.

How long to be kept open.

Where held.

SECTION 3. At the said annual election in September, the qualified voters of each precinct shall elect from among themselves an Inspector, and two Assistant Inspectors, who shall act as such for the election in such precinct in the following year. The qualified voters of each precinct shall at the same time choose a member of Council for their ward, resident in the ward. A member of Council from a ward shall be chosen by a plurality of all the votes cast in all the precincts of such ward. The voters in the respective precincts shall, at the same time, vote for a Mayor, Alderman, Assessor, and City Treasurer, who shall be elected by a plurality of all the votes cast in the several pre-

At annual elections, what officers to be voted for.

Inspector and two Assistants.

Members of Council.

Mayor, Alderman, Assessor and Treasurer.

Assistant Inspectors, how elected. precincts. For choosing the Assistant Inspectors each voter shall vote for one person as Assistant, and the two persons having the highest number of votes thus given shall be elected. Any ticket containing the name of more than one person for Assistant Inspector shall not be counted.

Temporary Inspector and Assistants, by whom and when chosen SECTION 4. The City Council shall, at its first stated meeting in the month of August, in the year one thousand eight hundred and sixty-two, choose an Inspector and two Assistant Inspectors for each precinct, who shall be officers of the succeeding election in September, and shall hold the same under and subject to all the rules prescribed by law in reference thereto. At the annual election in September, in the year one thousand eight hundred and sixty-one, the voters in the 3d and 4th Wards shall not choose an Inspector, and two Assistants, as heretofore.

Laws now in force to apply to precincts. SECTION 5. All the laws and regulations now existing in relation to the annual election by wards in September, shall be taken to apply and are hereby extended to the election hereafter to be held in precincts, as herein provided.

Section 14 of Chapter 73 of Revised Code amended—how. SECTION 6. The 14th Section of Chapter 73 of the Revised Code is hereby amended by striking out the word "six," in the fifth line thereof, and inserting the word "seven" in lieu thereof.

Mayor and Alderman to have concurrent jurisdiction. SECTION 7. The Mayor and Alderman shall separately have concurrent jurisdiction with the Mayor's Court of all offences which shall be committed within the City, against any of the laws, ordinances, regulations, or constitution of the City, and to punish the offenders, as by the said laws, ordinances, regulations, or constitution of the City, are or shall be prescribed.

Penalty on defendant refusing to obey judgment of Mayor's Court. SECTION 8. Upon failure of a defendant to satisfy any judgment which may be rendered by the Mayor's Court, the Mayor, or Alderman, against him, for the violation of a City ordinance, it shall be within the discretion of the officer rendering such judgment to commit the defendant to the custody of the High Constable, until the judgment shall be fully satisfied; but any person so committed may, within three days thereafter, appeal from any judgment so rendered against him to the Superior Court of New Castle County. Such person appealing shall enter into recognizance, with sufficient surety, in such sum as the said Mayor's Court, Mayor, or Alderman, shall determine, conditioned for the due prosecution of the appeal, and for the payment of any judgment which may be rendered in said Court, against the appellant, or his executors or administrators. The filing of a transcript, modes of trial, and forms of proceeding, shall be as in cases of appeal from the judgments of Justices of the Peace.

Right of appeal.

Mayor and Alderman to have same SECTION 9. The Mayor and Alderman of the City of Wilmington shall have the same authority that Justices of the Peace

for the County of New Castle possess, and process issued by them may be executed by the Constable, or the police officers of the said City. Powers as Justices of the Peace.

Passed at Dover, February 27, 1861.

CHAPTER 63.

An Act to incorporate the Artizans' Savings Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch concurring therein,) That Charles W. Howland, Eli Todd, Clement B. Smyth, George W. Bush, William S. Hilles, I. Franklin Vaughn, William Canby, Thomas W. Bowers, Leonard E. Wales, John P. McLearn, James Scott, Joseph W. Day, Edward Moore, and all other persons hereafter becoming members of the Artisans' Savings Bank, in manner hereafter mentioned, shall be and are hereby created and made a corporation and body politic by the name and style of the Artizans' Savings Bank, and by that name shall have succession for and during the term or period of twenty years, from the time of the passage of this act, and be capable by law to hold property, sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatsoever, and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever, and make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act and promote the designs of said corporation. Members incorporated. Name. Corporate powers.

SECTION 2. *And be it further enacted,* That the said corporation shall annually, on the second Tuesday in February, in the City of Wilmington, or at such other place as by the by-laws may be appointed, elect by ballot, from the members of said corporation, thirteen Managers, to serve for one year, or until their successors shall be chosen, who, during their term of office, shall have the sole management and direction of the affairs of said corporation. They shall elect one of their number to be President, and one to be Vice-President, and shall also appoint a Treasurer, and such other officers as may be necessary for the conducting of the business of the corporation. They shall have the power to fill vacancies in their own body, and to make such by-laws and regulations for the government of the corporation as they may deem expedient. Annual election of Managers, when and where held. Powers of Managers. President. Vice-President. Treasurer. Vacancies.

Proviso. dient, and to repeal or amend the same at pleasure: *Provided*, That no such by-laws or regulations shall be repugnant to the constitution or laws of this State, or of the United States.

May receive deposits of money, and may invest the same. SECTION 3. *And be it further enacted*, That the said corporation shall be capable of receiving from any person or persons any deposit or deposits of money, and of investing the same in public stocks or other securities, for the benefit of the depositors.

Profits, how divided. The profits upon the said investments, after payment of necessary expenses, shall be divided among the depositors, at such times, and in such manner, as the Managers may appoint: and the

To return deposits. Notice may be required. deposits shall be paid back to depositors when demanded: *Provided, nevertheless*, That the by-laws may require reasonable previous notice to be given by any depositor, intending to withdraw his deposit, or any part thereof.

Managers not to receive any of the profits, or borrow any of the money SECTION 4. *And be it further enacted*, That no member of the Board of Managers shall be entitled to receive any profit or emolument for his services as such, or be allowed to borrow any part of the funds deposited with the corporation.

Managers may elect new members. SECTION 5. *And be it further enacted*, That the Managers of said corporation, or a majority of those attending any meeting of the Board, may elect by ballot any other person or persons to be members of the said corporation, and the persons named in the first Section of this act shall be and are hereby constituted the Board of Managers until the second Tuesday of February, in the year one thousand eight hundred and sixty-two.

Public act. SECTION 6. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the corporation hereby created shall, within thirty days after its passage, certify to the Governor their acceptance of this act, and shall also, within the same time, pay to the Secretary of State, for the use of the State, the sum of ten dollars, or this act, and the privileges hereby granted shall be void and of no effect.

To certify acceptance to the Governor.

Passed at Dover, February 28, 1861.

CHAPTER 64.

An Act to authorize Capt. John M. Phillips to straighten a Public Road in Indian River Hundred, Sussex County.

J. M. Phillips authorized to straighten a public road. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Captain John M. Phillips be, and he is hereby authorized and

empowered to change the location, and straighten that portion of the public road, in said Indian River Hundred, leading from Georgetown to Angola Neck, which passes through the farm and by the residence of the said Capt. John M. Phillips, so that the said portion of the said road shall be and pass in a direct line through the said farm, and be of the width of thirty feet. How to be straightened

SECTION 2. *And be it further enacted*, That the road so straightened shall be a public road, and that the old road shall be vacated, and may be enclosed by the said Capt. John M. Phillips whenever the said new road shall be accepted by the Levy Court of Sussex County. Road when straightened to be public. Old road to be vacated.

SECTION 3. *And be it further enacted*, That this act shall be deemed and taken as a public act. Public act.

Passed at Dover, February 28, 1861.

CHAPTER 65.

An Act in relation to the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, to wit: Limits of town.
SECTION 1. The limits of the Town of Dover shall be and are hereby declared to be the same as marked and designated on the plot of said town, made out by the Commissioners under the act entitled, "An act for establishing the boundaries of the Town of Dover, and for other purposes therein mentioned," passed at Dover, February 16, 1829, and as extended by the act entitled, "A further additional supplement to the act entitled, 'An act for establishing the boundaries of the Town of Dover, and for other purposes therein mentioned,'" passed at Dover, March 2, 1853. Alderman.

SECTION 2. The Justice of the Peace oldest in commission, resident in said town, shall be Alderman of said town, and *ex officio* a Town Commissioner and President of the Town Committee. It shall be his duty to execute all laws enacted for the peace and good government of the town, and to carry into effect all the lawful orders and directions of the Town Committee, made in pursuance of any law of this State, or of any ordinance that the said Town Committee may be empowered to make and establish. He shall have all the powers of a Justice of the Peace concurrent with said Justice within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offences in said town, so far His duties. His powers.

as to arrest and hold to bail, or fine and imprison offenders, and all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the Town Committee, regularly passed and established for the government of the town, and of all neglects, omissions or defaults of any Town Constable, Collector, Assessor, Treasurer, Town Clerk, or any other officer or person, whose duty it may be to collect, receive, pay over or account for, any money belonging to said town, or to execute or obey any law or ordinance thereof, *Provided*, That he shall not impose any fine exceeding ten dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. It shall be his duty, at the request of any citizen, to convene the Town Committee for any purpose connected with their duty. His fees for any service under this Section, shall be the same as those of a Justice of the Peace for a like service. The fee upon every conviction of a riotous, turbulent, or disorderly person, under the provisions of this act, shall be one dollar; and for any service or duty for which no fee may be provided by law, the fee may be established by the ordinance of the Town Committee; but the Alderman shall have no vote in establishing any such fees, nor upon any ordinance or question touching his compensation, or any duty to be performed by him.

No fine to exceed ten dollars.

To convene Town Committee when requested by any citizen. His fees.

Election of Town Commissioners, when and where held. How many to be chosen, and for what term.

SECTION 3. On the first Monday in March next, there shall be an election held in the Court-room in Dover, for four Commissioners of the Town of Dover, two of whom shall be elected for two years, and two of whom shall be elected for one year. There shall also be an election held at the place aforesaid, on the first Monday of March, A. D. 1862, for two Commissioners, to succeed those two elected for one year, as aforesaid, and to continue in office for two years; and there shall be an election held on the first Monday in March, in each and every year, after the year A. D. 1862, for two Commissioners, who shall continue in office for two years; so that after the first election hereinbefore provided for, there shall be two Commissioners elected at the election in each year, for the term of two years. The Commissioners shall be resident freeholders in said town at the time of their election. Said election shall be opened at one o'clock and close at four o'clock, P. M. At such elections, every free white male citizen residing in said town, who shall be of the age of twenty-one years and shall have paid the town tax last assessed to him, shall have the right to vote. Immediately after the election shall be closed, the votes shall be read out and counted, and the two persons having the highest number of votes, shall be elected. In case of a tie, the Alderman may give the casting vote. The election shall be held by the Alderman and the two Commissioners who hold over. The Alderman shall receive the ballots, and deposit them in a box to be provided for that purpose, and the

Commissioners to be resident freeholders. How long election to be kept open. Who may vote.

Tie vote. By whom election to be held.

assisting Commissioners shall each keep a list of the voters voting. When the election shall be closed, the Alderman, or one of his assistants, shall draw said tickets out the box, open and read out the same, and pass the same over to one of the others for his inspection, while the third election officer shall tally the votes. After the result shall have been ascertained, the election officers shall make out certificates, and deliver one to each of the Commissioners elect, with a notice of the time and place of the next meeting of the Town Committee. The Commissioners elect shall be sworn in at said next meeting, or any subsequent meeting, by the Alderman or one of the Commissioners holding over. The first election hereinbefore provided for, shall be held by the Alderman and two of the present Commissioners. If at any election the Alderman or the Commissioners, whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number, in lieu of the Alderman or absent Commissioner or Commissioners. A minute of each election, containing the names of the Commissioners elect shall be entered, immediately after said election, in a book to be provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the Town Commissioners and shall be evidence.

Ballots, by whom drawn from box.

Certificates of election.

Commissioners elect to be sworn.

In case of absence of Alderman or Commissioners, the voters to choose other persons to hold the election. Minute of election to be kept in a book.

SECTION 4. The Commissioners to be elected as hereinbefore provided for, and the Alderman, shall be, and they are hereby created a body politic and corporate in law, and shall be able and capable to sue and be sued, plead and be impleaded in all courts of this State, by the corporate name of "The Town of Dover," and may purchase, take, hold, and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do, to carry out and effect the object and purposes of this act. The Alderman and Commissioners for the time being, shall have the superintendence and oversight of all the roads and streets now open within the limits of said town, and no overseer of any of said roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than one hundred and fifty dollars, and shall make an order for the payment thereof to the said Commissioners, which sum so appropriated shall be expended for that purpose, and no other. The said Commissioners shall account to the Levy Court for the said money in the same manner as overseers of roads in said county. They shall severally receive and be allowed for each day actual service on said roads or streets one dollar, and for each

Commissioners and Alderman incorporated.

Name.

Powers.

Commissioners to have the superintendence of roads within limits of said town.

Levy Court of Kent County to appropriate not less than \$150 for repair of streets.

Commissioners to account to Levy Court. Compensation to Commissioners.

half days service fifty cents, but no compensation shall be allowed for any fraction less than half a day.

Commissioners may open new streets upon application of ten or more citizens

Compensation to owners of lands. How paid.

SECTION 5. The Alderman and Commissioners shall have power, upon the application of ten or more citizens of the town, by petition for that purpose, to locate, lay out, and open any new street or streets, or re-open any old street or streets now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out, and opened or re-opened, allowing to the persons respectively, through or over whose grounds such street or streets may pass, such compensation therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the monies of said town, upon warrants drawn upon him by the Commissioners aforesaid.

Commissioners to notify owners of land over which new street will pass

If owner of land be dissatisfied with determination of Commissioners, he may appeal.

Appeal, how prosecuted and conducted.

Freeholders, how chosen.

Commissioners to give notice of the time and place for selecting the freeholders.

SECTION 6. Whenever the Alderman and Commissioners shall have proceeded to locate and lay out any street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, to notify, in writing, the owner or owners of the real estate through or over which such street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damages allowed by the Alderman and Commissioners, he may, within ten days after receiving notice from the Alderman and Commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said Alderman and Commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the Prothonotary of the Superior Court of the State of Delaware in and for Kent County, who shall, within three days thereafter, and upon notice to said Alderman and Commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders residing in Dover Hundred, ten of whom shall be freeholders owning no real estate in said town, and eleven of whom shall be freeholders owning real estate in said town. Upon receiving said notice from the Prothonotary, said Alderman and Commissioners shall immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and place, when and where the said names will be selected, and at the time and place mentioned in the notice of the Prothonotary, said appellants and Alderman and Commissioners shall attend. Their [the] appellants, their agent or attorney shall first strike one of said names, and

the Alderman and Commissioners, their agent or attorney, shall strike out another, and so on alternately, until there shall be but seven freeholders left upon the list, who shall constitute the freeholders to determine concerning the necessity of said street, and assess the damages of all the owners of real estate through or over whose grounds said street shall pass, who shall have notified the Alderman and Commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all the parties, appellant and respondent. In case either side be not represented before the Prothonotary, or shall refuse to strike, the Prothonotary shall strike for the party so absent, neglecting or refusing. Any one of the parties may, within ten days after the appointment of the said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residence, then notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and if they deem such street to be necessary to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed or notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any Justice of the Peace of Kent County, in the name of the Town of Dover, and for the use of said town. If in any case the award of the freeholders shall be against the necessity of any such street, then no petition for any such street so condemned, shall be entertained by the Alderman and Commissioners, then acting, for one year. The act of the majority of the said freeholders shall be as good as the act of the whole, in making any such award or assessment of damages.

SECTION 7. If on any such appeal the award shall be against the necessity of a street, or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town. But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. The fees of the freeholders shall be one dollar per day.

SECTION 8. The damages which may be assessed upon the occasion of opening any street shall be paid out of the town funds, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such street; and in case any such owner or owners, in whose favor damages are assessed, shall be a minor, non-resident, or shall refuse to receive, or be incapable for any cause of receiving the same, such damages may be deposited in the Farmers' Bank of the State of Delaware, at Dover, to the credit of such person or persons, and subject to his or their order, and such deposit shall operate as payment.

Mode of striking out till seven be left. Remaining seven to act.

Their award to be final. Prothonotary may strike in case either party be absent or refuse. Freeholders may be called out on ten days notice.

And may make inquiry.

Award to be made within twenty days.

Penalty for neglect of freeholder to serve.

If freeholders determine against a street, no new petition to be entertained for one year. Majority of freeholders may act.

Costs on appeal, by whom paid.

Fees of freeholders.

Damages, how paid.

Power of Commissioners in relation to pavements and gutters.

Power of Commissioners in case any proprietor neglects to lay pavement after notice.

Costs, how recovered.

Insufficient pavements or gutters already made.

Notice.

Certain sidewalks may be covered with gravel.

Flag-stones.

Riotous and noisy assemblages to be suppressed.

Also gatherings of negroes.

Duty of Town Constables in relation thereto.

SECTION 9. The Alderman and Commissioners, or a majority of them, are hereby authorized and required to direct in writing the proprietor or proprietors of any house or land in the Town of Dover, before or in front of which they may deem proper that a pavement, or gutter, or both, should be made, to lay a pavement of brick or smooth stones, or make a gutter or lay a pavement, and make a gutter of such length, width, or depth, (if a gutter,) as the said Commissioners may specify in such direction, and if such proprietor or proprietors shall neglect or refuse, for the space of three months, after being directed, as aforesaid, to lay such pavement, with good and sufficient curbs, or to cut and make such gutters, it shall and may be lawful for the said Alderman and Commissioners, and they, or a majority of them, are hereby authorized and required to cause such pavements and gutters to be made, and to recover the costs of making the same by distress and sale of any goods and chattels, lands and tenements, belonging to such proprietor or proprietors, within the limits of said town. If any pavement or gutter already made shall, at any time, by the said Alderman and Commissioners, or a majority of them, be deemed an insufficient pavement or gutter, they, or a majority of them, shall have power, and are hereby required to direct in writing the proprietor or proprietors thereof to make a sufficient one, and open [upon] neglect or refusal so to do, for the space of three months, the said Alderman and Commissioners, or a majority of them, shall cause the same to be done, and recover the cost of doing the same, in like manner as above described in case of new pavements. Notice to one co-proprietor shall be notice to all. In case no proprietor shall reside in the town, notice to the occupier of the said property shall be deemed a sufficient notice to the proprietor. The said Alderman and Commissioners, or a majority of them, may cause such sidewalks or portions thereof as are unpaved, and which they may not deem proper to be paved, to be curbed and covered with gravel, sand, or dirt, and to be put in good order for the convenience of the citizens of said town, at the proper cost and charge of the owners of the property. They may cause flag-stones to be put down at the crossings of the streets, wherever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the town.

SECTION 10. It shall be the duty of the Alderman and Commissioners of the town, and of the Constable of Kent County residing in said town, and of the Town Constables, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gatherings of negroes, mulattoes, or other persons in the streets, lanes, or alleys of said town, after night, or on the Sabbath day, or at any other time or season whatsoever: and for this purpose it shall be the duty of any of said Constables, upon the requisition of the Alderman, or any one of said Commissioners, and without further warrant, forthwith to seize and arrest any such negroes, mulattoes,

or any other persons so offending, and to carry them before the Alderman, whose duty it shall be to hear and determine the case, and upon conviction before him, said Alderman shall sentence any such negro, mulatto, or other person so convicted, to pay a fine not exceeding five dollars, and may commit the party to prison, for a period not more than five days, or until said fine and costs be paid, or in the case of a negro or mulatto, he may order said negro or mulatto to be whipped at the whipping-post in said town, by one of the Constables designated by him for that purpose, with not less than ten, nor more than twenty lashes. It shall be the duty of said Alderman, upon complaint made before him of any such riotous, turbulent, or noisy assemblages as aforesaid, to issue his warrant to any one of the Constables aforesaid, commanding him to bring any such negro, mulatto, or other person, so offending as aforesaid, before him for trial. Any Constable arresting any such negro, mulatto, or other person, offending as aforesaid, after the hour of twelve o'clock at night, may take said negro, mulatto, or other person, and deliver him into the custody of the keeper of the jail of Kent County, to await a trial before the Alderman, as aforesaid. The fee to the Alderman for the trial of any case under this Section shall be fifty cents. The Constable making the arrest, and the keeper of the jail, shall each also receive, in case of commitment, whether by the Alderman, or by the Constable, fifty cents. In case of conviction, the Constable shall have an additional fee of fifty cents.

Duty of Alderman, and his powers.

Duty of Alderman in case of complaint made.

Duty of Constable after making arrest.

Fees of Constable.

SECTION 11. The Alderman, Commissioners and Constable shall have power and authority to suppress, extinguish and prevent all bon-fires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the letting off of fireworks, or the making and throwing of fire-balls within the limits of said town; and the said Alderman and Commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before said Alderman, or any Justice of the Peace in said town during his absence, and in default of payment, said Alderman or Justice may commit for any time not exceeding five days.

Bon-fires, firing of pistols, &c., prohibited.

Commissioners may make ordinances for the prevention thereof.

SECTION 12. The said Alderman and Commissioners shall annually appoint four Town Constables, who with the Constable of Kent County, residing in said town, shall constitute the Town Police.

Commissioners to appoint four Town Constables.

SECTION 13. If any Constable shall neglect, or refuse to perform the duties above enjoined by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the Alderman and Commissioners to present him to the Grand Jury; and upon conviction, he shall be fined in a sum not less than ten nor more than twenty dollars, and shall also forfeit his office.

Penalty on Constables neglecting to perform their duties.

Ordinances in relation to obstructions on streets.

SECTION 14. The said Alderman and Commissioners shall have authority to make such regulations and ordinances relative to the traveling over and upon the said streets, and to the use thereof, and the standing or placing of carts, carriages, or other vehicles or obstructions, in and upon any of said streets, lanes, alleys or sidewalks, as they shall deem proper to secure the free and uninterrupted enjoyment thereof, and if any person shall wilfully violate the regulations and ordinances of the Alderman and Commissioners in that behalf, every person so offending shall forfeit and pay to the Alderman and Commissioners for the use of said town, a sum not exceeding five dollars, with costs, at the suit of said Alderman and Commissioners, in the same manner as debts of that amount are by law recoverable.

Penalty for violating the same.

Duties and powers of Commissioners in relation to obstructions and nuisances upon sidewalks, lanes, &c.

SECTION 15. The said Alderman and Commissioners are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The said Alderman and Commissioners, or a majority of them, may proceed either on their own view or upon complaint of any other citizen in writing, stating the character of said nuisance or obstruction, and where the same exists. If the said Alderman and Commissioners, or a majority of them, either of themselves or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice in writing to the person causing the obstruction, or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, he shall forfeit and pay the sum of five dollars with costs, to be recovered by the Alderman and Commissioners, for the use of the town, in the same manner as debts of that amount are recoverable, and for every additional day the same shall remain unabated and unrecovered, shall forfeit the further sum of one dollar, to be recovered with costs in the same manner.

Penalty in case of refusal to obey order of Commissioners in removing any nuisance.

Jail of Kent County to be at service of the town.

SECTION 16. It shall and may be lawful for the said Alderman and Commissioners to use the jail of Kent County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinance or regulation adopted under the provisions of this act.

Town money, by whom and how employed. Majority of Commissioners may act.

SECTION 17. The Alderman and Commissioners shall have authority to use the money in the Treasury of said town for the improvement, benefit and ornament thereof as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the Town Committee, consisting of said Alderman and Commissioners, shall be as good as the acts, doings and determinations of the whole. In case of a

vacancy among the Commissioners, the survivors or others shall have the same power and authority as the whole.

SECTION 18. The said Alderman and Commissioners shall have power and authority, and they are hereby required, as soon as conveniently may be, after the election of the Commissioners on the first Monday of March next, and the first Monday in March in every year thereafter, to appoint a Treasurer, Collector and Clerk; and also some suitable person Assessor, who shall be at the time of his appointment a freeholder in said town, to make a true, just and impartial valuation and assessment of all the real estate within said town, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment, and the said Assessor shall make such assessment and return the same to the Alderman and Commissioners within six weeks next after the appointment of said Assessor. The Alderman and Commissioners shall assess the real estate and person, and taxable personal property of the Assessor. The Alderman and Commissioners shall, within five days next after receiving the said assessment list, cause a full and complete transcript of said assessment list to be hung up at the post office in said town, there to remain for the space of ten days thereafter for public information; and the said Alderman and Commissioners shall, on the Monday next after the expiration of the said ten days, hold a court of appeal, which shall continue open from one o'clock till four o'clock, P. M., of said day, when they shall hear and determine appeals from the said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by publication in a newspaper published in said town, or by notices posted in at least six public places therein. The decision of the Alderman and Commissioners upon any appeal shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. The Assessor in making the assessment shall include therein all dogs owned or kept within the said town, and the owner or keeper of any dog or dogs included in said assessment, shall be liable to pay a yearly tax of fifty cents for each and every dog so owned or kept by him. After the valuation and assessment shall be examined and adjusted by the said Alderman and Commissioners, all taxes shall be levied, assessed and raised on the real estate, personal property, persons, and dogs thus valued and assessed, in just and equal proportions and rates. The Assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed, by some Judge or Justice of the Peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge, and

Commissioners to appoint Treasurer, Collector, Clerk, and Assessor

Duties of the Assessor.

Duties of Commissioners after return of the assessment by the Assessor.

Court of appeal.

Decision of Commissioners to be final.

Dogs to be included in the assessment.

Tax on dogs.

Assessor to be sworn or affirmed.

Certificate of judgment, and a certificate thereof shall be made, by the person administering the oath or affirmation, in the record book of the Commissioners and Alderman, containing the certificate of the election of the Commissioners, Assessor, and Treasurer aforesaid.

SECTION 19. The Alderman and Commissioners, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, (which said sum shall in no year exceed five hundred dollars, nor be less than two hundred dollars,) and after having apportioned the same on the assessment and valuation aforesaid, shall yearly, in the month of April, or as soon thereafter as convenient, furnish the Treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate, his poll and assessable personal property, and also the number of dogs owned by each person, and the tax on the whole valuation and assessment, and the rate per hundred dollars. The list shall be signed by the Alderman and Commissioners, or a majority of them. The Treasurer, immediately after receiving the said list, shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the Collector of county rates and levies. The Treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of one thousand dollars, to the town of Dover, conditioned for the faithful discharge of the trust reposed in him, and the payment over to his successors in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said Treasurer shall pay all orders drawn on him by the said Commissioners, or a majority of them, and shall settle his accounts with the said Commissioners annually, in the month of February, and as often and at such times as they, or a majority of them, shall require. The said Treasurer, Clerk, and Assessor, shall each have a reasonable compensation, to be determined by the Commissioners and Alderman: *Provided*, The compensation of the Treasurer, as such, shall not exceed three per cent., and that of the Collector, or of the Treasurer acting as Collector, shall not exceed ten per cent.

SECTION 20. The said Alderman and Commissioners shall have power, in any year in which they may think proper, to appoint a Collector for said town, to collect the town tax levied by the said Commissioners. The said Collector, before he enters upon the performance of his duties, shall give bond in the sum of one thousand dollars to the Alderman and Commissioners, conditioned for the discharge of his duties, and the payment to the Treasurer of all moneys collected by him, and for the settlement of his accounts with the Treasurer in the month of February, and at such other times as the Alderman and Commissioners shall require. In case a Collector be appointed, the list which the Alder-

man and Commissioners, by Section 19, are required to deliver to the Treasurer, shall be delivered to the Collector. The Collector shall have the same powers in the collection of the taxes as are conferred on the Treasurer by said Section, and shall receive reasonable compensation, to be determined in like manner. Powers of Collector.

SECTION 21. The present Commissioners, Treasurer, Clerk, and Assessor, shall remain in office until the election next after the passage of this act, and until successors be duly chosen.

SECTION 22. All acts and parts of acts as are inconsistent with the provisions of the act, or which have been supplied by, and embraced in this act, are hereby repealed. Inconsistent acts repealed

SECTION 23. This act shall be deemed and taken to be a public act, and shall be printed among the laws of this State. Public act.

Passed at Dover, February 28, 1861.

CHAPTER 66.

An Act to provide for the Registration of Births, Marriages, and Deaths.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. The Recorder of Deeds in each of the counties of this State shall, on or before the first day of July, A. D. 1861, procure three suitable books, in which respectively to record births, marriages, and deaths, and shall record all such births, marriages, and deaths in said record books respectively, as the same may be returned or lodged in his office for that purpose, for which service he shall receive from the county one cent for every ten words. He shall also, on the first day of July, A. D. 1862, and every year thereafter, furnish an abstract of such records for the preceding year, containing the number of deaths, with the reported causes, arranged according to the diseases, the number of marriages solemnized, the number of births, and such other information and suggestions as he may deem of practical utility for the promotion of public health, and of general interest to the community, and shall cause the same to be published in some newspaper of his county, or if there be none published in his county, then in some newspaper in one of the other counties, for which copy he shall be paid at the same rate as above provided. The Levy Court shall also allow a reasonable compensation for such publication, and for the cost of such books and blank certificates as shall be necessary to carry out the provisions of this act. The books so provided by the Recorders of Deeds to procure three books in which to record births, marriages, and deaths. Fees. Abstract of records. What to contain. To cause the same to be published. The Levy Court to pay costs of publication, books, &c.

Books, how
entitled, and
how to be
ruled, &c.

Recorder shall be separate and distinct, and shall be respectively entitled, "The Register of Births," "The Register of Marriages," and "The Register of Deaths," and shall each be furnished with an index. The Register of Births shall be ruled with columns from top to bottom, with appropriate headings, as follows: Father's name, mother's name, color, occupation, nation, child's name, sex, living or still born, date and place of birth, date of certificate, date of registration.

Headings.

Certificate of
birth of
child, by
whom made.

SECTION 2. Whenever a child is born after the first day of July, A. D. 1861, it shall be the duty of the attending physician, or if there be no physician, of the father, or if no father living, then of the mother, or if the child be a slave, then of the master, or if there be no master, then of the mistress, to make out and file with said Recorder a certificate, in the form prescribed in the foregoing Section, within three months after the said birth, to be by him recorded, as prescribed in said Section; said certificate shall contain more than one birth, the Recorder shall record said births under the letter of the alphabet to which they respectively belong, and if any certificate shall not be made in due form as above described, the birth or births therein certified shall be registered or recorded so as to conform to the form prescribed, as far as practicable; and the record need not be a literal copy, only so that it conforms to the facts certified. All certificates so returned to said Recorder shall be filed by him in alphabetical order, under the letter of the alphabet to which the name of the party making such certificate belongs.

Where filed.

By whom
signed.

Certificate
containing
more than
one birth.

Record need
not be a literal
copy.
Certificates,
how filed
by Recorder.

Register of
deaths, how
ruled and
headed.

SECTION 3. The Register of Deaths shall on each page be ruled from top to bottom, so as to form columns with appropriate headings, as follows: Name, date of death, place of residence, cause of death, nation, sex, color, age, occupation, condition, free or slave, married or single, name of parents, date of certificate, date of registration. Whenever any person shall die, it shall be the duty of the attending physician, or of the Coroner when the case shall come under his notice, to make out under his hand, and to furnish within one week after the death, to the sexton or other person having charge of the burial place, a certificate of such death according to the form in this Section prescribed.

Certificate of
death, by
whom to be
made.
To whom to
be delivered.

Sexton, or
person hav-
ing charge
of burying-
ground not
allowed to
inter dead
body with-
out a certi-
cate.
In case there
be no physi-
cian in at-
tendance,
sexton to

SECTION 4. No person having charge as sexton, or otherwise, of any vault, burying-ground or cemetery, shall inter or allow to be interred, or place or allow to be placed in any vault, burying-ground, or cemetery, or private burying-grounds, the dead body of any person without procuring such certificate as is prescribed in the preceding Section; and if there shall be no physician in attendance, or no Coroner, then the sexton in charge of the vault, burying-ground, or cemetery, or private burying-grounds, where the interment shall be made, or the body placed, shall himself

prepare a certificate, according to the form prescribed in the preceding Section, and all such certificates shall be by said sexton filed, within three months, in the office of the Recorder of Deeds for that county. If any certificate shall contain more than one death, the Recorder shall register such deaths under the letter of the alphabet to which they respectively belong; and if any certificate shall not be in due form as above prescribed, the death or deaths therein certified shall be registered by the Recorder in such manner as to conform to said form as far as practicable, and the registry need not be a literal copy, only so that it shows the facts certified. All such certificates shall be filed in alphabetical order as aforesaid.

make certificate

Where certificate to be filed.

Certificate containing more than one death, how recorded.

Record need not be a literal copy.

SECTION 5. The Register of Marriages shall be ruled with columns from top to bottom, with appropriate headings, as follows: Full name of husband, occupation, residence, nation, age, when married, residence, birth-place, full name of wife, when married, residence, birth-place, age when married, time when married, parents of parties, nation, color of parties, name of person who solemnized the marriage, ceremony employed, name of last named person, date of certificate, date of registration by Recorder.

Register of marriages, how ruled and headed.

SECTION 6. It shall be the duty of every clergyman, and every magistrate, and of the clerk or keeper of the records of all religious and other societies, and of every other person by or before whom any marriage may hereafter be solemnized or contracted, to make a faithful return of the same, within three months, by filing a certificate in the form prescribed in the foregoing Section, in the office of the Recorder of Deeds of the county in which such marriage may be solemnized or contracted; and all such certificates so returned to said Recorder shall be filed by him in alphabetical order, as aforesaid.

Certificate of marriages, by whom to be made.

Where to be filed.

SECTION 7. The books of registration kept by the Recorder, or a certificate duly certified by him, and authenticated by the seal of his office, as containing a copy of the record of any birth, marriage, or death, shall hereafter be admitted in any court of the State as *prima facie* evidence of said marriage, birth, or death.

Registration books, or certified copies thereof to be evidence.

SECTION 8. The Recorder shall receive fifty cents for granting a certificate or certified copy of the record of any marriage, birth, or death, and ten cents for making a search for either a marriage, birth, or death, which sums shall be paid by the party applying for the certificate or search; but the said registers shall at all times be accessible to physicians, clergymen, and lawyers, without charge.

Fee to Recorder for certified copy, and for making search.

SECTION 9. It shall be the duty of clergymen of all denominations, of clerks or keepers of the records of all churches and religious societies, as also of every magistrate, and of other persons by or before whom any marriage may hereafter be solemn-

Clergymen, Physicians, sextons, &c., to report to Recorder their names

and places
of residence.

nized or contracted, and of every practicing physician, and of every superintendent or sexton of any cemetery or burying-place, on or before the first day of July, A. D. 1861, and hereafter of all such persons as may occupy the positions herein mentioned, to report his, her, or their names and places of residence to the Recorder of Deeds of the county in which such person or persons may reside, and it shall be the duty of the Recorder to have the same properly registered in index form, in a suitable book or books, to be by him provided for that purpose. In the event of any of the persons above specified removing to any other place of residence, it shall be their duty to notify the Recorder of the fact within thirty days after such removal, except when the persons removing shall cease to act in such official capacity as makes them subject to the provisions of this act.

To be regis-
tered.

In case of
removal to
notify Re-
corder.

Fees to per-
sons making
out certifi-
cates re-
quired by
this act.

SECTION 10. Every person who has been hereby required to return a marriage, birth, or death, to the Recorder, and shall accordingly make such a return in due form, shall be entitled to receive from the Levy Court the sum of ten cents, provided such account shall have been certified by the Recorder, who shall receive a fee of fifteen cents for said certificate, to be paid by the person making the return, and to be allowed by the Levy Court as part of the account of the person making such return. And the Levy Court may place a contingent fund in the hands of the Clerk of the Peace to pay for said returns, when presented, the same to be allowed as vouchers, upon settlement with the Levy Court.

Contingent
fund.

Recorder to
furnish copy
of his report
to the per-
sons who
make the
certificate
required by
this act.
Blank forms
to be fur-
nished by
Recorder.

SECTION 11. The Recorder in each county shall furnish a copy of his annual report to every physician, clergyman, magistrate, or other person mentioned in Section 9, as shall so report his name to the Recorder.

Penalty for
neglecting to
file certifi-
cates.

SECTION 12. The blank forms necessary to carry out the provisions of this act shall be furnished by the Recorder of each county to each person or persons who are included in Section 9, and residing in their respective counties, and any person so furnished, who shall refuse to file such certificates of births, marriages, or deaths, shall forfeit and pay a fine of one dollar for each and every case so refused to be reported, to be recovered by the Recorder, as debts of like amount are by law recoverable.

Inconsistent
acts repealed

SECTION 13. All acts or parts of acts inconsistent herewith, or supplied by this act, are hereby repealed.

Act to be
published.

SECTION 14. The Secretary of State shall cause this act to be published in all the newspapers of this State, for the space of one month from its passage.

Passed at Dover, February 28, 1861.

CHAPTER 67.

An Act to amend Chapter 73 of the Revised Code entitled "Of the City of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch thereof concurring) as follows: SECTION 1. Section 1 of Chapter 73 of the Revised Code is hereby stricken out* and the following inserted in lieu thereof. "SECTION 1. The City of Wilmington shall be bounded as follows: Beginning at the mouth of the Brandywine Creek on the easterly side of the same, thence along the easterly and northeasterly side thereof to a point opposite where a line from the westerly point of Brown street extended parallel with Market street would strike said creek, thence south thirty-two degrees west and parallel to Market street to the northerly side of Front street, thence continuing the same course over Front street to a point sixteen hundred and ninety feet (1690) from the southerly side thereof, thence south fifty-eight degrees east and parallel to Front street to a stone marked No. 1 at the southerly side of the Christiana river, thence continuing down that side of the same to the river Delaware, thence crossing to the northerly point of the Christiana at its mouth, thence up that side of the same to the place of beginning."

Section 1 of Chapter 73 of Revised Code stricken out. Boundaries of the City of Wilmington.

SECTION 2. That part of the old King's road lying within the city limits is hereby vacated. *Provided however,* That no owner or occupier of real estate shall thereby be cut off from a public road, and part or parts thereof shall remain open for public travel until such public streets as may be necessary for the public convenience, shall have been opened in the vicinity of the said Old King's Road by the Mayor and Council of Wilmington.

Portion of old King's road vacated. *Provided.*

SECTION 3. Within the limits of the City of Wilmington, established by this act, "The Mayor and Council of Wilmington," shall be vested with all the power, rights, privileges and immunities which before this time belonged to them as a municipal corporation. All the laws, ordinances and regulations in force within the former city limits, and not locally inapplicable, shall be extended and applied to the new territory comprised within the boundaries set forth in the 1st Section.

Powers of Mayor and Council extended to the new limits.

Laws and ordinances now in force to apply to new limits.

SECTION 4. The City Assessor shall, as to all the real estate not heretofore within the city but now comprised within the lines described in Section 1; and as to capitation rates for poll taxes, transfer the assessment thereof from the assessment list of New Castle County for the year 1861, two-thirds of which assessment shall continue to be the assessment thereof, without change or alterations, for the term of seven years. No appeal shall be taken from the said assessments so made. Where a piece of land has been assessed as an entirety in the county assessment, and a part

Duty of City Assessor in relation to persons and property embraced within new limits. No appeal allowed.

In case land, thereof has been brought within the city by the new boundaries, it shall be the duty of the City Assessor to assess such part, as near as may be, conformably to the county rate. From such assessment an appeal shall lie as in other cases. Persons residing in the newly acquired territory, and not found on the county assessment, shall from time to time be rated for poll tax by the City Assessor, from which an appeal may be taken. No tax shall be laid by the city upon such transferred assessments prior to the year 1862. Taxes laid upon assessments transferred from the county list shall be upon the rate of six per cent. on said assessments.

In such cases appeal allowed. City Assessor to assess persons who may not be on county assessment. Tax not to be laid till 1862. City Wards to continue as heretofore and as enlarged by new limits.

SECTION 5. The wards of the said city shall continue as heretofore, with such enlargement as the new boundaries, herein provided for, will give to each. The extension or continuation of Market street, Fourth street, and Tenth street, shall make the division lines in the extended part of the city, as the said streets have been the division lines in the city heretofore.

City Council not to cause any person within new limits to have or curb side walks till seven years. Exceptions.

SECTION 6. It shall not be lawful for the City Council, for seven years from the passage of this act, to cause any paving of streets or sidewalks, or any curbing in the said extended territories of the said city, unless said curbing or paving be asked for by persons owning at least two-thirds of all the front of each and every square in front of which it is proposed to do said curbing or paving.

Part of old King's road hereby vacated to belong to the owners of property on each side thereof.

SECTION 7. That part of the old King's road which is vacated by Section 2 of this act, shall belong to the owners of property on both sides thereof, each of said owners taking the one-half of the road where the said property fronts thereon, and which is adjoining thereto.

Passed at Dover, February 28, 1861.

CHAPTER 68.

An Act to Incorporate the Fire Insurance Association of Delaware.

Preamble.

WHEREAS The following fire companies of the City of Wilmington, viz: The Friendship, Delaware, Waterwitch, Fame Hose, and Washington, in order to promote harmony and friendly intercourse among them, to establish those just relations that ought to exist among institutions whose views are similar, and to enable them more effectually to perform those philanthropic duties, have formed themselves into an association under the

name of "The Fire Association of Delaware," and have selected delegates from each company, who in pursuance of the authority vested in them, have chosen the persons hereinafter named Directors, to serve till the first Monday in January, A. D. 1862, and are desirous that the said Directors and their successors in office may have and enjoy the rights and immunities of a corporation, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the present Directors, Israel Pusey, Henry G. Garrison, R. Heisler, B. S. Clark, H. R. Bringhurst, Joshua L. Pusey, George Nebeker, John V. Christy, James Scott, and B. F. Strickler, and their successors in office shall be, and they are hereby constituted a body corporate in law and in fact, by the name of "The Directors of the Fire Insurance Association of Delaware," and by that name shall have succession for twenty years, and may plead and be impleaded, sue and be sued, in any of the courts of Delaware, and shall and may adopt and use one common seal, and alter, break and renew the same at their pleasure.

Directors incorporated.
Name.
Corporate powers.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the present Directors shall be and continue in office until the first Monday in January, A. D. 1862, when their successors shall be chosen by the different fire companies forming the association, in the manner and from [form] which the several companies may adopt; a majority of said Directors shall constitute a quorum, and they shall be elected annually on the first Monday in every year thereafter, and shall hold their office for one year, and until others are elected in their place.

Present Directors to continue in office till 1st of January, 1862. Their successors, how chosen.
When chosen.
Term of office.

SECTION 3. *And be it further enacted by the authority aforesaid,* That at the first meeting of the said Board of Directors, next after their election, they shall, for the well government of the affairs committed to their charge, elect such officers therein, at such salaries or compensation, and take such securities for the faithful performance of their duties as they, the said Board of Directors, shall deem expedient; but no Director shall be appointed to any office to which a compensation is attached, nor shall any Director be security for any officer or officers, from whom, by this act, security is, or by any law or regulation of this corporation security may be required. And the said officers so elected shall enter upon the duties of their office as soon as they shall have given the requisite securities, and in case the appointments hereby directed shall not take place on the day specified, they may be made on any other subsequent day prior to the first Monday in January next ensuing. Special notice of the election of officers shall always be given to each of the Directors, and in taking the security it shall be lawful for the Directors so to take the same, that it shall be continued in case of re-election or re-elections of the same person or persons.

Board of Directors to elect officers for the Company. May fix salaries of officers.
Directors ineligible to any office with a salary.
In case the appointments be not made on the day fixed they may be made at any other time. Notice of the election of officers to be given.

Powers of Directors in relation to holding real estate and to the making of contracts for insuring against loss by fire.

Directors to have management of the funds. Restrictions on Directors as to the sale of the real estate of the Company.

May make by-laws with the concurrence of two-thirds To meet once in three months Special meetings.

To make investments of money, and pay off debts

May remove officers.

Directors to make annual statement of the affairs of the Association.

Stock, notes, &c., of the Company to be pledged. If there be not money on hand to meet loss, notes of Association to be taxed *pro rata*.

SECTION 4. *And be it further enacted by the authority aforesaid,* That said Directors shall have power and authority to hold in fee simple such real estate as may be by them thought necessary for the transaction of their business or for the occupancy of their offices, or which shall be taken and held in security for the payment of debts due the corporation, or shall be conveyed in satisfaction of debts due to the corporation, or purchased by them at any sale by a marshal or sheriff, of lands under mortgage or judgment of the corporation, or against which they have a mortgage or judgment, and the same from time to time to sell, demise, grant, alien, or dispose of, and to make and enter into contracts with any person or persons, bodies politic or corporate, for the insurance of houses and other buildings from loss or damage by fire; to take charge of all the funds and other property belonging to the Association: but no sale or alienation of any part of the real estate, which they now or hereafter may hold, shall be valid, unless the terms or nature of such sale be proposed at a previous meeting, and acted on at the next, after the intervention of at least thirty days, and two-thirds of the whole number of Directors consenting thereto. And they shall also have power, and they are hereby enjoined to do and perform such other duties as are hereinafter expressed, for which services they are hereby expressly debarred from having or receiving any salary, gratuity or allowance. They may make by-laws for their own government, and that of their officers, in the decision upon which, the concurrence of two-thirds of the whole number of Directors shall be necessary. They shall meet at least once in three months, and adjourn to such other time as they may think proper. Special meetings may be called by the President, or by any three of the Directors: a majority of the whole number shall constitute a quorum. They shall invest, lay out or lend, upon good and sufficient security, such sums of money belonging to the Association as they may think fit, and to the satisfying of all losses and damages which may happen by fire to the property insured; they may remove and suspend any of their officers and servants, as occasion may require, and do and perform all other acts, matters and things needful to effect the objects herein specified. It shall be the duty of the Directors to make an annual statement of the affairs of the Association. They shall always stand and be indemnified by the Association for giving out and signing policies, and all other lawful acts, deeds and transactions done, performed, and executed in pursuance and by virtue of this act. And all the stocks, notes, securities and effects of the corporation, except the separate property of the several fire companies, shall be pledged for the purpose, and if any loss occasioned by one fire, or more than one (happening before the extinguishment of the first) shall amount to more than the sum of money on hand, the several notes held by the Association shall be assessed *pro rata* a sufficient sum to meet the loss.

SECTION 5. *And be it further enacted by the authority aforesaid,* That each person insuring in said Association shall deposit a note for a sum equal to two per centum on the amount of the taxable value of the property insured, payable in part or in whole, at any time when the Directors shall deem the same requisite for the payment of losses by fire, or for such incidental expenses as may be necessary for transacting the business of the corporation, and shall in return receive a policy of insurance signed by the President, and attested and signed by the Secretary; and for the purpose of raising a contingent fund for the payment of losses and other objects of the corporation, it shall and may be lawful for the said corporation to exact of its members interest at a rate not to exceed six per centum per annum on the amount of said promissory or deposit note. Such interest shall be payable to the Treasurer, or such other agent of the corporation as the managers may direct, upon the day of each annual meeting, and every payment of interest so made shall be entered to the credit of the proper person on the books of the corporation, and be applicable, as far as the same may go, to the liabilities of the individual and the corporation, and shall so remain; and one full years interest shall be deemed and taken as due on the day of each annual meeting, on all deposit notes, without regard to the dates of said notes or policy; but upon the withdrawal of a member, or the cancelling of a policy from any cause, the deposit note, with all unappropriated interest paid thereon, or clear profits to which the member may be entitled, shall be given up to the depositor, his executors, administrators or assigns, and in case any assigned* named in any policy or contract of insurance made by the said corporation, shall sell, convey or assign the subject insured, it shall and may be lawful for such assigned to assign and deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit, or in like manner be proceeded against in his own name for or relating to any loss or other matter with regard to said contract, as if he were the original insured: *Provided,* That before any loss happens he shall obtain the consent of the President or Secretary to such assignment, and have the same endorsed on or annexed to such contract of insurance or policy.

Note to be deposited by any person insuring in the Company. Amount of note. When payable.

Policy of insurance.

Corporation may exact interest from its members not exceeding six per cent.

To whom payable. When payable.

To be entered on the books to the credit of the person paying it.

Interest on deposit notes to commence on day of annual meeting.

Upon withdrawal of a member the deposit note with interest to be returned.

On assignment of property insured assignee entitled to benefit of the insurance.

Proviso.

SECTION 6. *And be it further enacted by the authority aforesaid,* That the privileges hereby granted or intended to be granted by this act, shall continue in force for the period of twenty years; but if at any time it shall appear to the Legislature that these privileges are injurious to the public welfare, the power to repeal this act shall not on any account be denied or imposed. But such repeal shall not affect any engagements to which the said corporation may have been a party previously thereto, and the said

Corporation to continue twenty years. Right of Revocation.

Revocation not to affect contracts heretofore made.

* So in enrolled copy.

corporation shall have a reasonable time to bring their accounts to a final settlement.

Public act.

Acceptance
of act to be
certified to
Governor.

SECTION 7. *And be it further enacted, That this shall be a public act, and that the corporation hereby created shall, within thirty days after its passage, certify to the Governor their acceptance of this act, and shall also within the same time pay to the Secretary of State for the use of the State, the sum of ten dollars, or this act and the privileges hereby granted, shall be void and of no effect.*

Passed at Dover, March 1, 1861.

CHAPTER 69.

An Act to amend Section 2 of Chapter 63 of the Revised Code.

Section 2 of
Chapter 63 of
Revised Code
amended.

How amend-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Section two of Chapter sixty-three of the Revised Statutes of the State of Delaware be, and the same is hereby amended, by adding thereto after the word "grace," in the third line of the said Section the words "days of grace shall be allowed on all checks, drafts, or bills, foreign or inland, payable at a future or different time from that in which they are dated, or which are made payable on a particular day after date."*

Passed at Dover, March 1, 1861.

CHAPTER 70.

An Act for the Benefit of Free Schools of the State of Delaware.

School Com-
mittee of
each District
to levy a tax
of \$75 in
N.C. Co., \$30
in K. Co.,
and \$30 in
S. Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That from and after the passage of this act, it shall be the duty of the School Committee in each of the School Districts in their respective counties, in each and every year, in the month of April, and after each annual school meeting, to assess and levy, in each of their respective School Districts, that is to say: in each of the School Districts in New Castle County, the sum of seventy-five dollars; in each of the School Districts in Kent County, the sum of fifty dollars; in each of the School Districts in Sussex County,*

the sum of thirty dollars, to be applied to the support of the school of their district, to be assessed, levied and collected as provided in Chapter 42 of the Revised Statutes of the State of Delaware.

How applied
How collect-
ed.

SECTION 2. *And be it further enacted as aforesaid,* That when a majority of the voters of any School District, at their annual meeting in April, wish to raise by tax more than the amount provided for by Section 1, for the support of a free school in their district, they shall resolve by a majority of votes what sum shall be raised for that purpose: *Provided* said sum does not exceed the sum of four hundred dollars, exclusive of the amount provided for by Section 1, which sum so resolved upon, shall be assessed, levied and collected by the Commissioners of such district as provided for by Section 1.

Majority of
school voters
may resolve
to raise a
larger sum.

Amount to
be raised not
to exceed
\$400.

How collect-
ed.

SECTION 3. *And be it further enacted as aforesaid,* That when a majority of the voters of any School District, at their annual meeting in April, wish to raise by tax any sum of money not exceeding five hundred dollars, for the purpose of building or repairing a school house in their district, they shall resolve by a majority of votes what sum shall be raised in said district for that purpose, which sum so resolved upon shall be assessed, levied and collected by the Commissioners of each district as provided for by Section 1, and applied to the purposes for which it was collected.

Majority of
voters may
determine to
raise any
sum not ex-
ceeding \$500
for building
or repairing
school house

How collect-
ed.

Passed at Dover, March 1, 1861.

CHAPTER 71.

An Act to authorize and empower the Levy Court of New Castle County to erect a Pivot Bridge or Draw Bridge over Christiana Creek in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, to wit:

SECTION 1. It shall and may be lawful for the Levy Court of New Castle County to make and erect a good and sufficient pivot bridge or draw bridge over Christiana Creek, at a place about half way from the village of Newport to the village of Christiana, whenever a new public road shall be located and laid out by Commissioners appointed by the Court of General Sessions of the Peace and Jail Delivery for New Castle County, and accepted by the Levy Court of said county, connecting the turnpike road leading from Stanton to the village of Christiana, at a point on said road about one mile south from the village of Stanton, and the

Levy Court
of New Castle
County
authorized to
erect a pivot
bridge over
Christiana
Creek.

Where
When the
bridge is to
be erected.

Non-Such road in New Castle Hundred, leading from the Newport turnpike road to the Hair's Corner and Christiana road in said hundred. The said pivot bridge or draw bridge shall be at the point on the Christiana creek, where the said new public road to be laid out shall intersect the said creek.

Expenses of making and maintaining bridge, how borne.

SECTION 2. All the expenses of making and erecting and maintaining the said bridge, shall be raised and borne in the same manner as other public bridges within New Castle County are by the laws of the State provided, and it is hereby declared that the said bridge shall be constructed with an opening of not less than thirty feet over the channel or deepest part of said creek at the place aforesaid, for the purpose of letting vessels pass and repass through the same.

Bridge to have an opening of thirty feet at least.

Duty of captains of vessels in opening and closing the draw.

SECTION 3. The captain or any other person for the time being having the charge of any boat or vessel passing through the said bridge, is hereby directed and required, and it is hereby made the duty of any such captain or other person aforesaid, to turn off and on the platform or moveable part of said bridge, or move the draw thereof, in such manner as that the said bridge shall receive no damage thereby, and so as to prevent any inconvenience in traveling across said bridge; and any such captain or other person as aforesaid offending against the provisions of this Section, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, be adjudged by said court to pay a fine of not less than ten dollars, and not exceeding fifty dollars, with all costs of proceedings in any such case in said court.

Penalty for neglect to perform this duty.

Passed at Dover, March 1, 1861.

CHAPTER 72.

An Act to repeal "An act concerning Public Roads in New Castle County."

Act concerning public roads in New Castle County repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act concerning public roads in New Castle County," passed at Dover, January 26, 1855, be and the same is hereby repealed.*

Passed at Dover, March 1, 1861.

CHAPTER 73.

An Act to authorize the making of certain Indexes to the Records in the office of the Recorder of Deeds in Sussex County.

WHEREAS it has been represented to this General Assembly, Preamble. that the general Direct and Reverse Indexes to the Records in the Recorder's office in Sussex County, as heretofore authorized by law, have not been continued since the year 1844, and that such general indexes are required for the public convenience, as well as for the preservation of said records; and also that there is no separate record in said office for recording mortgages and indexing the same, a record now much needed: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Doctor William Harris, the present Recorder of Deeds in said county, shall make and continue the general Direct and Reverse indexes aforesaid of the records in his office, in the same books Present Recorder to continue direct and reverse indexes in the books heretofore used. in which they were heretofore made, making said indexes full and complete; and if said books now in use are insufficient to contain the indexes from the time when they were first made, If said books are insufficient, the Recorder to procure new books. then the said Recorder is hereby authorized and required to procure two good, well-bound books, the one for a general Direct Index, and the other for a general Reverse Index to said records, and continue and bring up said indexes to the present time; and hereafter, it shall be the duty of said Recorder, and his successors in office, to continue said general Direct and Reverse indexes in said books, as well as the Direct and Reverse indexes to the records in the several books from time to time prepared for recording deeds, &c., in his office. Present and future Recorder's to continue said general index.

SECTION 2. *And be it further enacted as aforesaid,* That the said Recorder shall procure two good, well-bound, and suitable books, in one of which said books all mortgages hereafter recorded in said office shall be recorded, leaving space at the end of each mortgage so recorded to record all assignments and entries of satisfaction thereof, and the said Recorder shall make in said book a full and complete direct and reverse index to said mortgages; and in the other of said books he shall record all marriages returned and that may be returned in his office, and shall make a full index to the same. Recorder to procure two books, in one of which to record mortgages. Recorder to make in said book a direct and reverse mortgage index. In the other book to enter marriage returns. Compensation to Recorder.

SECTION 3. *And be it further enacted as aforesaid,* That the said Recorder shall receive for his services aforesaid, a just and reasonable compensation, as well as compensation for expenses in procuring said books, to be ascertained and certified by the Commissioners hereafter named, and the amount of such services and expenses shall be allowed by the Levy Court of said county, as other county charges are allowed. How paid.

Commissioners appointed to superintend the making of the indexes.

Their compensation.

SECTION 4. *And be it further enacted as aforesaid, That Jacob Moore and Caleb Rodney Layton are hereby appointed Commissioners to superintend, examine, and certify to the Levy Court aforesaid, the correctness of said indexes, the value of the services so rendered by the said Recorder of Deeds, and the cost prices of any such books as he may provide for such services; and the said Commissioners shall receive a reasonable compensation for their services in the premises as the said Levy Court may deem just, and to be allowed by said Levy Court as aforesaid.*

Passed at Dover, March 1, 1861.

CHAPTER 74.

An Act appointing Commissioners to lay out a Public Road.

Commissioners appointed to view the premises and determine as to the necessity of a public road.

Course of road.

If determination of Commissioners be favorable, to lay out new public road.

To vacate portion of old road supplied by new only.

To cause plot to be made.

Plot to show what damages.

Return of Commissioners, what to show.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Shephard P. Houston, Harbeson Hickman and Thomas Coleman of Sussex County be, and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of straightening, widening and laying out a new public road fifty-feet wide, commencing at a gate opposite the residence of S. P. Houston, and running a straight course through the lands of the said S. P. Houston, Harbeson Hickman, John W. Walker, Benjamin McIlvaine, Joshua S. Benton, John R. McFee, heirs of Richard L. West, dec'd, and Thomas Coleman, and terminate in the public road opposite the blacksmith shop owned and occupied by Elihu J. Morris in the town of Lewes, Sussex County, and if they or a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor to be selected by them, straighten, widen and lay out such new public road, vacating so much of the old road as is supplied by said new road as they shall deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the most remarkable places, and of the wood-lands, cleared land and improvements, by or through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements, by reason of the laying out of said road, taking into consideration all circumstances of benefit, as well as injury which will accrue to each of said owners, and they shall make a computation of the costs of*

opening and making said road and making the bridges and causeways thereon, setting down the several items of said costs, and shall in their return set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

SECTION 2. *And be it further enacted*, That the plot and return so to be made as aforesaid by the said Commissioners, shall be returned to the Court of General Sessions of the Peace and Jail Delivery within the County of Sussex, but the said return shall not be conclusive. The said court shall have power to make orders of review, and thereby appoint five suitable persons to review the premises and determine concerning the same, and make return on the first day of the next term, granting them all the authority which is conferred by the first Section of this act, with similar instructions, and directing them, if they approve of the previous proceedings, or any part thereof, to adopt the same. A review shall be granted on application to the court of any one interested in or affected by the proceedings of the Commissioners appointed by this act. If the entire proceedings of the said last named Commissioners, or all except the computation of costs, be adopted by the return to the order of review, that return shall be confirmed by the court; in any other case another order of review shall be made on application of any one interested or affected as aforesaid. And all the proceedings in and before said court in relation to orders of review, shall be as are provided in Section 7 of Chapter 60 of the Revised Statutes of this State.

Plot and return to be returned to the Court of General Sessions for Sussex County. Return not to be conclusive. Court may order a review. Powers of Commissioners on review.

If the return of the reviewers agree with the return of the Commissioners, then the Court to adopt the return.

Otherwise another order of review may be granted. Commissioners, to be sworn.

SECTION 3. *And be it further enacted*, That the said Commissioners, before performing their respective duties under this act, shall be sworn (or affirmed) to perform the same according [to] the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said Commissioners to any other of said Commissioners, or the Surveyor. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed Commissioner or Commissioners by any Justice of the Peace in said County.

Acts of a majority to be valid. Vacancies, how filled.

Passed at Dover, March 5, 1861.

CHAPTER 75.

An Act to create a Board of Fire Wardens in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch thereof concurring:) SECTION 1. On the first Tuesday in

Fire companies of Wilmington on the 1st Tuesday of June, annually to elect delegates to a Convention.

Convention, when to be held.

First Convention to elect nine Fire Wardens. Their term of office. Who may be chosen Fire Wardens.

Fire Warden, becoming a member of a fire company to forfeit his office. Vacancies, how filled.

Powers and duties of Fire Wardens.

To make annual report to the City Council. Report what to show.

May plan for the use of steam fire engines. May recommend any change in the Fire Department which they may deem advisable.

May perform such other duties as the City Council may direct. Proviso.

Their compensation.

June, in the year one thousand eight hundred and sixty-one, and on the same day in every year thereafter, each of the fire companies of said city shall elect seven persons to serve as delegates to a Convention, which shall be held in the city on the first Tuesday in July following. The Convention shall be the judge of the qualification of its members.

SECTION 2. The Convention for 1861, as soon as possible after its organization, shall proceed to elect nine Fire Wardens, three for the term of one year, three for the term of two years, and three for the term of three years. The Convention for every year thereafter shall, as soon as possible after its organization, proceed to elect three Fire Wardens for the term of three years. They shall be chosen from the citizens of Wilmington, who are at the time and have been freeholders for at least two years immediately previous to such appointment, and who are not at the time, nor have been members of any fire company for two years previous to their appointment. A Fire Warden becoming a member of a fire company shall thereby forfeit his office. Any vacancy occasioned by death, resignation, forfeiture, or refusal or inability to act, shall be filled by the Convention which shall assemble next after such vacancy shall occur.

SECTION 3. The Board of Fire Wardens, so constituted, shall exercise a general supervision over the Fire Department of the city, and shall, from time to time, by one or more of their members, visit the houses occupied by the fire companies, and carefully examine the same, and the apparatus and other property therein contained. They shall inquire into the efficiency of each company, and possess themselves of such other information as may assist them in the proper discharge of their duties. They shall annually, in the month of December, present to the City Council a report, showing as near as may be, the condition of the Fire Department, and setting forth what amount, in the opinion of the Wardens, should be appropriated for the benefit of each fire company for the following year. They shall also have power at any time, when in their judgment it may be necessary, to arrange or plan for the use of steam fire engines in the said city, or for making the whole department a paid fire department, fixing and arranging the details thereof, and presenting to the City Council, for its consideration, their reason for such proposed changes, and a careful estimate of the cost thereof, and generally to make such recommendation for the management and government of said Fire Department, as they may think useful and necessary.

SECTION 4. The said Board shall perform such other acts as the City Council may by ordinance enjoin: *Provided*, That the same shall not contravene any provision of this act, and shall operate in furtherance of its true intent and meaning. The Wardens shall be entitled to such compensation as the City Council may allow.

SECTION 5. The forty-seventh section of chapter seventy-three of the Revised Code is hereby repealed, made null and void, but the City Council shall not have authority to make any appropriation to any fire company, except upon a written application, signed by two-thirds of said Board of Fire Wardens.

Section 47 of Chapter 73 of Revised Code repealed. Restrictions on City Council in relation to making appropriations to fire companies. Acceptance of act to be certified to the Governor.

SECTION 6. The Mayor and Council of Wilmington shall, before the first day of April, in the year of our Lord one thousand eight hundred and sixty-one, certify to the Governor their acceptance of this act, or it shall be void. The certificate of such acceptance shall be made in pursuance of a resolution of the City Council. It shall be under the hand of the Mayor and the President of the City Council, and be sealed with the seal of the corporation, and it shall be filed in the Secretary's office.

Passed at Dover, March 5, 1861.

CHAPTER 76.

An Act to authorize Thomas M. Parker and others, to straighten a Public Road in Dover Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz: SECTION 1. Thomas M. Parker, George P. Fisher and William Cassons, the present holders of land through which the road leading from Dover to Pearson's Corner, in Dover Hundred, is laid, between the corner of what is called the Paynter lot and a point where the divisional line between Peter Hinson's land and the land of the heirs of Jacob Hancock, deceased, intersects said road, are hereby authorized to straighten said public road between the aforesaid points, and the road as so straightened shall be a public road.

T. M. Parker and others authorised to straighten a certain public road. Part to be straightened when straightened to be a public road.

Passed at Dover, March 5, 1861.

CHAPTER 77.

An Act to amend the act entitled "An Act to incorporate the Clayton and Smyrna Railroad Company."

WHEREAS the name of the said corporation, in and by the said act created, was manifestly assumed and conferred upon the supposition that the place heretofore and still known as "Smyrna Station," would be changed to "Clayton," but the General Assembly having refused to change the name of said Smyrna Station to

Preamble.

Clayton, the name of the said corporation became and is inappropriate, now for remedy thereof

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch concurring,) That the act entitled "An act to incorporate the Clayton and Smyrna Railroad Company," passed at Dover, February 7, 1861, be, and the same is amended by striking out the word "Clayton" wheresoever the same occurs in any of the various sections, and in the title of said act, and inserting in lieu thereof the words "Smyrna Station," and further, that the said act be amended by striking out the words "formerly Smyrna Station" in line 7 [5] of Section 10 of said act.

SECTION 2. *And be it further enacted,* That the said act shall be published among the acts of this Session as hereby amended.
Passed at Dover, March 5, 1861.

CHAPTER 78.

An Act to Incorporate the Smyrna Station and Smyrna Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That John Mustard, William Cummins, James R. Clement, William C. Eliason, Horace Spruance, Enoch Spruance, John A. Moore, Ayres Stockley and H. C. Douglass, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: They or a majority of them shall procure and cause to be opened at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Smyrna Station and Smyrna Railroad Company; and they shall permit all persons of lawful age to subscribe in said books in their own names or in the name of any other person or company who may authorize the same, for any number of shares of the said stock. The capital stock of said company shall not exceed twenty thousand dollars, divided into two thousand shares of ten dollars each.

SECTION 2. *And be it further enacted,* That when and as soon as four hundred shares of the said capital stock shall be subscribed as aforesaid, the subscribers, their successors and assigns shall be, and they are hereby declared to be incorporated by the name and title of "The Smyrna Station and Smyrna Railroad Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in

all courts of record and elsewhere; to borrow money on the credit of the said company in any sum not exceeding four thousand dollars; and to purchase, receive, have, hold and enjoy to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, and dispose of; and to declare dividends of such portion of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the government of the said corporation, not inconsistent with the constitution and laws of the United States, or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being and ordering of the same. *Provided*, That nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises or privileges but those which are properly incident to such a corporation.

SECTION 3. *And be it further enacted*, That as soon as four hundred shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers in the town of Smyrna, to organize the said Company, by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice. Meeting to
organize
Company.

SECTION 4. *And be it further enacted*, That there shall be an annual meeting of the stockholders on the second Monday in November, or on such other days as a majority of the stockholders may determine, in the town of Smyrna, for the purpose of electing Directors, and for the transaction of other business. In all meetings of the stockholders regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the stockholders may be called, and at such places as the President and Directors may deem expedient. Annual
meetings.

For what
purpose held

Election of
Directors.

SECTION 5. *And be it further enacted*, That at the first meeting of the stockholders to be held under the call of the Commissioners, and at every annual meeting of the stockholders to be held thereafter as aforesaid, they shall elect seven Directors and a Treasurer, one of whom shall be elected by the said Directors, President, a majority of whom shall be citizens of this State, and all of them stockholders in the said company. The first election of said officers shall be conducted by three of the said Commissioners as judges thereof, and all subsequent elections of said officers shall be conducted by three of the stockholders not in the Board, to be First meet-
ings of stock-
holders.

How con-
ducted.

appointed by the Directors for the time being, as judges for that purpose. The President shall act and vote in all respects as a Director, and the said President and seven Directors shall form the Board, and their term of office shall be until the annual meeting of the stockholders succeeding their election, and until successors shall be duly chosen. The said Board shall appoint, immediately after their election, a Secretary of the said Company, who shall continue in office for the term aforesaid, and until a successor shall be duly appointed, unless sooner removed for sufficient cause, by the Board. They shall require of the Treasurer, on his election, a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number constituting the Board shall constitute a quorum for the transaction of business, and in the absence of the President, may appoint a Chairman of the Board *pro tempore*. Vacancies in the Board of Directors, and in the office of President, Secretary and Treasurer, shall be filled by the remaining Directors, to continue as aforesaid.

Meetings of Board of Directors, when held. **Its powers.** SECTION 6. *And be it further enacted,* That the said President and Directors shall hold their meetings in the town of Smyrna and such other places as they [may] deem expedient, and the said Board of Directors shall have the general direction, conduct and management of the property and works, affairs and operations of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, workmen and laborers as they shall deem necessary, and to fix the salary of all officers in the corporation, and the compensation and wages of all persons by them employed as aforesaid, and to take bond from them or any of them, with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such horse-power, cars and other equipments and supplies for the road, and to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said company. They shall have full power to do all acts that may be necessary to effect the purposes for which the said company is hereby incorporated, and to this end use the capital stock and funds of the said company, and to bind by their contracts, under the seal of the corporation, and the hand of the President, all the property and estate of the said company. They shall also have power to make and prescribe the by-laws and regulations of the company, and to provide certificates of stock under the seal of the company, and the signature of the President and countersigned by the Secretary, for all the shares subscribed, and to prescribe the mode of assigning and transferring the same, and to generally do all such other

matters and things as by this act and the by-laws and the regulations of the company they shall be authorized to do.

SECTION 7. *And be it further enacted,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, subject however, to all payments due or to become due thereon, in the method prescribed in the by-laws of the company, and the assignee of any such certificate so transferred shall be a stockholder in such company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures and penalties due or to become due thereon as the original subscriber would have been. Certificates of stock.
How assigned.
Rights of assignee.

SECTION 8. *And be it further enacted,* That the subscribers to the said capital stock shall pay to the Treasurer of the said company the installments on each share by them subscribed as the same shall be respectively called in pursuance of the public notice and call of the Board of Directors, and if any subscriber shall omit for thirty days after any such call to pay any such installment at the time and place appointed in said notice, he shall pay in addition to the said installment at the rate of two per cent. a month for the delay of such payment on the shares so held by him, or all previous installments paid thereon may be declared forfeited to the company at the option of the Board. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of a like amount are recoverable by the laws of this State. *Provided,* That no stockholder shall be entitled to vote at any election or in any meeting of the said company on whose share or shares any installment shall have been due and payable more than thirty days previous to such election or meeting and is still unpaid at that time. Installments how paid.
Neglect to pay installments.
Penalty
Provided.

SECTION 9. *And be it further enacted,* That the said President and Directors shall, from time to time, make and declare dividends of the nett profits of the business of the company, or such portion of the profits as they may deem advisable; the times for which shall be fixed by the by-laws, and public notice thereof shall given by them. And at each annual meeting of the stockholders it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year. Dividends.
Report of affairs of company to be made.

SECTION 10. *And be it further enacted,* That the said company be, and they are hereby authorized to survey, locate and construct a railroad with one or more tracks, as follows, that is to say: from some point on the Delaware Railroad at or near Smyrna Station on or along the line of county road now leading to Smyrna (a Company may construct railroad.
Where.

May unite
with Dela-
ware Rail-
road by con-
sent.

May enter
upon land.

Damages,
how assess-
ed.

Freeholders
to be sworn.

Their duties.

Writ of *ad
quod dam-
num*, how
taken.

Cash value
to be allow-
ed.

portion of land which is at present donated for this purpose) to the western limits of said town of Smyrna; from thence through Methodist or Commerce street to Main street, through the said Main street at a point, as the above named Commissioners may decide, not below Frazer street in the said town of Smyrna; but it is hereby expressly understood that said road shall not be extended east of said Main street; and to connect or unite their said railroad with the Delaware Railroad, with the assent of [the] Delaware Railroad Company, and upon such terms and condition as shall be arranged and agreed upon between the two companies, to be reduced to writing, and authenticated under the seals of the companies; and for the purposes of surveying, locating and constructing the railroad as aforesaid, the said company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, wood, and other materials therefrom, and to obtain right and title to the same as hereinafter provided.

SECTION 11. *And be it further enacted*, That whenever any land, earth, sand, gravel, or other materials necessary to be taken and used in the construction of the railroad cannot be procured or purchased of the owner thereof by agreement between him and the company, the latter may apply to the Superior Court of Kent County, or to any judge thereof in vacation, first giving the other party at least five days notice in writing of the intended application, if within the State, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises and assess damages which the owner or owners will sustain by reason of the said railroad passing through it, in taking and using the same; the said freeholders shall be sworn or affirmed before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the company of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing under their hands, or hands of a majority of them, of their award, to the President of the said company, and to such owner or owners, within ten days after the making of such award; or if any such owner or owners are non-residents, then to the occupiers of the lands, and if either party be dissatisfied with the damages assessed, such party may, on application to the Prothonotary of the Superior Court, in and for Kent County, within thirty days after such award and notice, sue out a writ of *ad quod damnum*, requiring the Sheriff in the usual form to inquire by twelve impartial men of his bailiwick, of the damages aforesaid, and their report shall be final. In assessing any such damages as aforesaid, at least the actual cash value of the land, earth, sand, gravel, or other materials so to be taken and used, shall be allowed. When the damages

assessed shall be paid by the said company to the party entitled, or into the Bank of Smyrna for his or her use, whether such party be under any disability or not, or be in or out of the State, the title to the land and premises described and condemned in said report shall be absolutely vested in the said company, their successors and assigns. The fees of the freeholders shall be two dollars per day, to be paid by the company, and of the jurors one dollar and fifty cents each. The said jurors shall be sworn or affirmed as above provided in case of the freeholders, and the company on paying or depositing the amount of damages found by the inquisition, shall have the same right and title to the land and premises as above mentioned. If any increased damages shall be found by the jury, such increased amount shall be a lien on all the property of the company, and shall be paid within sixty days, or deposited as aforesaid, or the said company shall have no right to enter or continue until it is paid; if the damages be reduced, the owner of the land shall pay back the amount diminished, and the cost of the inquisition shall be paid as in other cases, by the unsuccessful party.

Fees of freeholders and jurors.

Damages, when assessed by jury, when paid.

Costs of inquiry, how paid.

SECTION 12. *And be it further enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient passages across such railroad, where any public road, street, alley, or lane shall cross the same, so that carriages and other vehicles, horses, persons and cattle shall not be obstructed in crossing said railroad; it shall likewise be the duty of the said company, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across said railroad for the use of said farm.

Crossings.

SECTION 13. *And be it further enacted*, That if any person shall wilfully and intentionally damage or obstruct the said railroad, or any part thereof, or any part of the works and property of the said company, he shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars.

Penalty for injury to works of company.

SECTION 14. *And be it further enacted*, That if at any time an election of officers of the said company shall not be held, had or made, pursuant to the provisions hereinbefore in that behalf mentioned, the corporation shall not therefore be dissolved, but such election may be held and made at any time afterwards, on ten days notice in two newspapers published in this State, of the time and place of holding the same. The Governor of this State for the time being may supply any vacancy among the Commissioners named in first Section hereof.

Non-election of officers not to dissolve corporation.

Vacancies among Commissioners, how supplied.

SECTION 15. *And be it further enacted*, That the said company shall semi-annually pay into the treasury of the State a tax at the rate of one-half of one per centum per annum on the capital

Tax to the State.

stock of the company actually paid in, whenever the business of the company shall over and above its liabilities and expenses yield to the stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public act. SECTION 16. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such, and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject, nevertheless, to the power of revocation for the misuse or abuse of its privileges by the said company, and which power is hereby reserved to the Legislature.

**Right of
Revocation.**

Passed at Dover, February 7, 1861.

CHAPTER 79.

An Act to amend an Act entitled "An Act to incorporate a Bank in New Castle County, under the name of 'The Real Estate Bank of Delaware.'"

Del. Laws,
Vol 11,
page 702.
Section 3 of
original act
amended.
How amend-
ed.
Whenever a
majority of
Directors
may so de-
termine,
they may
call in forty
dollars on
each share
of stock.

**Payments
made under
such calls to
be credited
on the mort-
gages.**

**Powers of
Directors to
enforce pay-
ment of
calls.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring,) That Section 3 of the the act entitled, "An Act to incorporate a Bank in New Castle County, under the name of 'The Real Estate Bank of Delaware,'" be and the same is hereby amended, as follows, to wit, by adding at the end of Section 3 of said act, after the word "evidence," these words, "whenever a majority of the Directors shall deem it necessary and expedient for the welfare of said bank, it shall and may be lawful, upon giving the notice prescribed in the preceding part of this Section, to call in and demand of the stockholders respectively forty dollars more on each and every share of stock held or owned by them respectively, in such sum or sums, and at such time or times as to the said Directors shall seem meet and proper, and it shall be the duty of the said Directors to cause all payments made under and by virtue of such call or calls to be credited upon the mortgage or mortgages, (if any shall have been given,) executed by the respective holders for such share or shares within sixty days after the said call or calls shall have been paid. And the said Directors shall have the same power for enforcing the payment of any and all calls made under and by virtue of this part said Section 3, as they have under and by virtue of the former part of this Section, in relation to the calls thereinbefore provided for."

SECTION 2. *And be it further enacted,* That the said act incorporating the said bank be, and the same is hereby further amended, as follows: 1st. By striking out the fifth fundamental article of Section 9, and inserting in lieu thereof these words, "Fifth. The total amount of debts which the said corporation shall at any time owe, (deposits not included,) whether by note, bill, or otherwise, shall not exceed double the amount of stock actually paid in, or secured by mortgage to the said bank. 2d. By inserting in line 3 of Section 11, after the word "centum," and before the word "on," the words "per annum."

Fifth fundamental article in Section 9 stricken out.
Amount of debts which corporation may owe.

Section 11 of original act amended.

SECTION 3. *And be it further enacted,* That the said, "The Directors of the Real Estate Bank of Delaware," shall, within six months after the passage of this act, certify to the Governor their acceptance of the same, or it shall be void and of no effect, the certificate of such acceptance shall be made in pursuance of a resolution adopted by the stockholders of said corporation, or a majority of them, voting according to the provisions of the act to which this is an amendment, at a meeting called by the President, upon two weeks notice in one or more newspapers of this State. The certificate shall be under the hand of the President of said bank, and attested by the Secretary of the special meeting called as contemplated by this Section, and the said certificate shall be filed in the office of the Secretary of State.

Acceptance of act to be certified to the Governor.

Requisites of certificate

SECTION 4. *And be it further enacted,* That upon and after the receipt of the certificate required by Section 3 of this act of amendment, this act shall be and become a part of the act incorporating said bank, and in all future editions of the laws of this State the said original charter shall be published as hereby amended.

After acceptance this act to be part of original act of incorporation.

Passed at Dover, March 5, 1861.

CHAPTER 80.

An Act to incorporate a Bank in Newport, in New Castle County, under the name of "The Real Estate Bank of Delaware."—AS AMENDED. Act of Feb. 22, 1859, as amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring,) That Caleb Marshall, James Cranston, Samuel Cranston, John P. Hillyard, William R. Flinn, John Huey, John Mitchell, Robert B. Flinn, Peter Coyle,

Commissioners appointed.

Duties.	and Watson Quinby, be and they are hereby appointed Commissioners to do the things hereinafter mentioned, that is to say, that they, or any five of them, shall, on or before the first Monday in June next, procure a sufficient number of suitable books, one of which shall be opened in Newport, and the others, if it shall be deemed advisable by the said Commissioners, at such other place or places as they shall think proper, in each of which books they shall enter as follows: "We, whose names are hereto subscribed, do promise to secure to 'The Real Estate Bank of Delaware,' the sum of one hundred dollars, for each and every share of stock set opposite to our respective names, by mortgage on real estate," and shall thereupon give notice, in two newspapers printed in New Castle County, and in such other papers as they may deem proper, at least fifteen days, of the time and place or places when and where the said books shall be opened to receive subscriptions for the capital stock of the said bank, at which time and place or places, two or more of the said Commissioners shall attend and permit all persons of lawful age, who shall offer, to subscribe in the manner following, that is to say: on the first day in which said books are opened, no person shall subscribe for more than twenty shares, either in his own name or as attorney for another, and on the second day in which said books shall be opened, the same restrictions shall apply, and if at the expiration of the second day, the whole number of two thousand shares shall not have been subscribed, then on the third or any following day in which the said books shall be opened, it shall be lawful for any person or persons, in his own name or as attorney for another, to subscribe for any number of shares in the said stock, (not to exceed three hundred,) until the whole number of two thousand shares shall be subscribed. The Commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of two thousand shares shall have been before that time subscribed, upon ascertaining which, they may close the books; and if it should so happen that more than two thousand shares shall have been subscribed, then the Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions, until the shares be reduced to the proper number.
To open books. Where.	
Notice of.	
Subscribers to capital stock, who may be. Manner of receiving subscriptions.	
Time for which the books are to be kept open	
Capital stock not to exceed \$200,000.	SECTION 2. And be it further enacted, That the capital stock of the said bank shall not exceed the sum of two hundred thousand dollars, divided into two thousand shares, of one hundred dollars each, to be secured to the said bank by mortgage on real estate, which shall be entered of record in the Recorder's office, in and for the county wherein the said real estate is situated, within six months thereafter.
How secured	
Subscribers to pay \$5 on each share subscribed	SECTION 3. And be it further enacted, That each subscriber to the stock of said Company shall pay to the Commissioners aforesaid, at the time of subscribing for the same, the sum of five dol-

lars on each share subscribed; and it shall be lawful for the Directors of the said Company, appointed in the manner hereinafter directed, to call in and demand of the stockholders respectively five dollars more on each share, upon giving thirty days' previous notice to the stockholders, in two, or more newspapers printed in New Castle County, and in such other newspaper as the said Directors shall deem proper; and in case of failure in the payment of all or any part of the said installments at the time or times so required, it shall and may be lawful for the corporation to sue at law, by action of debt or assumpsit, or in equity, for the recovery of any sum or sums of money due or to become due as aforesaid from any subscriber; and in all suits, either at law or in equity, in the courts of this State, by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence. Whenever a majority of the Directors shall deem it necessary and expedient for the welfare of said Bank, it shall and may be lawful, upon giving the notice prescribed in the preceding part of this Section, to call in and demand of the stockholders respectively, forty dollars more on each and every share of stock held or owned by them respectively in such sum or sums, and at such time or times as to the said Directors shall seem meet and proper; and it shall be the duty of the said Directors to cause all payments made under and by virtue of such call or calls, to be credited upon the mortgage or mortgages, (if any shall have been given) executed by the respective holders for such share or shares within sixty days after the said call or calls shall have been paid. And the said Directors shall have the same power for enforcing the payment of any and all calls made under and by virtue of this part of said Section 8, as they have under and by virtue of the former part of this Section in relation to the calls thereinbefore provided for.

SECTION 4. *And be it further enacted,* That as soon as five hundred shares shall have been subscribed, as hereinafter provided, the subscribers, their successors and assigns, shall be, and they are hereby, declared to be incorporated by the name, style and title of "The Real Estate Bank of Delaware," and by the same name, shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of law and equity, and purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of, and also to have a common seal, and the same to break, alter or renew at their pleasure.

SECTION 5. *And be it further enacted,* That the said bank shall have power to commence business as soon as the sum of fifty thousand dollars shall have been subscribed, that is to say, each

at the time of subscribing.
Directors authorized to make calls for installments of subscription.
Notice of.
On failure to pay installments company to sue for the same.

In all suits by or against corporation, this act to be deemed a public act.
Whenever a majority of Directors may so determine, they may call in forty dollars on each share of stock.

Payments made under such calls to be credited on the mortgages.

Powers of Directors to enforce payment of calls.

When five hundred shares are subscribed, subscribers incorporated Name.

Corporate powers.

When \$50,000 subscribed, bank to go

Into operation.
How.

stockholder shall give mortgage on real estate for the amount of his subscription, not to exceed three-fourths of the value of the property; which said value shall be determined and settled by the Commissioners herein appointed, or the Directors or a committee of Directors for the time being, and shall be over and above any lien or incumbrance against the real estate so mortgaged or pledged, which said mortgage shall be deposited in said bank as a part of its assets.

Directors.

SECTION 6. *And be it further enacted,* That for the proper management of the business and affairs of the said corporation, there shall be nine Directors, who shall be elected by the stockholders in the manner and at the times hereinafter directed, and who shall choose a President from among their number. They shall be stockholders at the time of their election, and also during the term of service, and shall be citizens of the State.

Commissioners to give notice of the time and place of the meeting of subscribers to organize.

SECTION 7. *And be it further enacted,* That the Commissioners aforesaid, as soon as conveniently may be, after five hundred shares to the capital stock have been subscribed for as aforesaid, shall give ten days notice in two newspapers printed in New Castle County, and in such other newspapers as they may deem advisable, of the time and place, at which the subscribers shall meet in order to organize the said Company; and the said Commissioners, or any three of them, may hold the election, at which time and place the said subscribers shall choose, by a majority of the votes present, to be given in person or by proxy, nine Directors, and the said Directors shall, at their first meeting after the election, choose one of their number President, and shall manage and conduct the business and affairs of the company until the first Monday in January, A. D., 1860, and on the same day in each and every succeeding year thereafter, a meeting of the stockholders shall be held in Newport, of which thirty days' notice shall be given as aforesaid, at which meeting or meetings the stockholders shall choose, by a majority of votes present, given in person or by proxy, nine Directors, who shall continue in office one year and until others be chosen; and the said Directors shall, at their first meeting after the election, choose a President from among their number; special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the Directors, upon the request in writing of stockholders owning five hundred shares of stock, or when the Directors shall deem it necessary; and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him, on the day of voting. At every election of Directors, two stockholders, not being Directors, shall be appointed judges of the said election by the stockholders present, who shall decide upon the qualifications of voters, and declare who has been elected, and certify the same to the existing Board of Directors. Should any vacancy or vacancies occur in the Board of Directors by death,

Election.

Directors.

Officers.

Annual meetings; when and where held.

Notice of.

Special meetings.

How called.

Voting.

Elections of Directors; how conducted.

resignation, removal from the State or otherwise, the remaining Directors shall have power to fill such vacancy or vacancies by election from among the stockholders of said bank; and the said Directors shall, at the first meeting after the election, choose a President from among their number. In case it should happen at any time that an election of Directors shall not be made on the day above mentioned, the corporation shall not therefor be dissolved, but it shall be lawful to hold the said election at a special meeting to be called by the Directors, according to the provisions of this act.

Vacancy in Board of Directors; how filled.

Failure to elect Directors not to dissolve corporation.

SECTION 8. *And be it further enacted*, That all the corporate powers of the said corporation shall be exercised by the Directors, and such officers and agents as they shall appoint. The Directors shall have power to make all the by-laws, rules and regulations necessary and proper for the government of the corporation, and not repugnant to the constitution and laws of this State, nor of the United States; but no by-laws shall be enacted or repealed unless by a vote of two-thirds of all the Directors. On all questions before the Board, the President shall vote as a Director. Meetings of the Directors, either special or stated, shall be held or called as the by-laws shall prescribe, and five Directors shall constitute a quorum for the transaction of business. The Directors shall allow such salaries to the President and other officers as they shall deem reasonable, but no Director shall be entitled to any salary unless the same shall have been allowed by the stockholders.

Powers of Directors.

By-laws, how made and repealed. Meetings of Directors, how called.

Salaries to officers.

SECTION 9. *And be it further enacted*, That the said corporation is hereby invested with banking powers, and that in the exercise of the same, the following shall be fundamental articles of its government, that is to say:

Fundamental articles.

First. The said corporation shall hold no lands, tenements, or hereditaments, but such as shall be required for the convenient transaction of its business, or such as shall be *bona fide* mortgaged or pledged to it as security for debt or stock, or purchased at sales upon judgments which have been obtained for such debts.

What lands corporation may hold.

Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans and discounts.

Rate of interest.

Third. All bills and notes not under the corporate seal of the said corporation, shall be signed by the President and such other officers of the bank as shall be appointed by the Directors for that purpose.

Bills and notes, by whom signed.

Fourth. The said Company shall keep their banking-house in the village of Newport, in New Castle County, and their notes or issues shall be made payable there, in reference to which it is hereby declared to be subject to the provisions of Chapter 71 of the Revised Statutes of the State of Delaware, entitled "Of Banks."

Banking-house to be at Newport, in New Castle County. Corporation subject to provisions of Chapter 71 of Revised Code.

Amount of
debts which
corporation
may owe.

Fifth. The total amount of debts which the said corporation shall at any time owe, (deposits not included,) whether by note, bill, or otherwise, shall not exceed double the amount of stock actually paid in, or secured by mortgage to the said bank.

Cashier and
accounting
officers to
give bond
with securi-
ty.

Sixth. The Directors shall require from the cashier and accounting officers of the bank, such bond and security for the faithful performance of their duty as shall be prescribed by the by-laws.

Stock assign-
able.

Seventh. The stock of the said corporation shall be assignable and transferable in such manner as shall by the by-laws be prescribed.

Directors to
make annual
report of con-
dition of
bank.

SECTION 10. *And be it further enacted,* That the Directors of said bank shall annually report the condition of the said bank to the stockholders.

Tax to the
State.

SECTION 11. *And be it further enacted,* That the corporation shall semi-annually pay into the Treasury of the State, for the use of the State, a tax of one-half of one per centum per annum on the amount of capital actually paid in.

Power of
revocation
reserved.

SECTION 12. *And be it further enacted,* That the power of revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, February 22, 1859.

Amended, March 5, 1861.

CHAPTER 81.

An Act to amend the Act passed at the present session entitled "An Act dividing Brandywine Hundred into two election districts."

Section 3 of
original act
amended.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz: SECTION 1. The third Section of the act entitled "An act dividing Brandywine Hundred into two election districts, passed at the present session of this General Assembly, be and the same is hereby amended by inserting between the word "elections" and the word "for" in the fifth line of said Section, the words "for Road Commissioners."

How amend-
ed.

Section 4 of
original act
amended.
How amend-
ed.

SECTION 2. The fourth Section of said act is hereby amended by inserting in line 4 thereof, between the words "Inspectors" and "is," the words "and Road Commissioners."

Section 6 of
original act
amended.

SECTION 3. Section 6 of said act is hereby amended by adding at the end of said Section the words "and also of the number of

votes given for each candidate voted for as Road Commissioner." How amended.

SECTION 4. The seventh Section of said act is hereby amended by inserting between the words "for" and "Assessor," in the fifth line thereof, the words "each person voted for, for Road Commissioner and for". Also by inserting after the word "Assessor," in the seventh line of said Section, the words, "and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for Road Commissioner or Commissioners, shall be declared duly elected Road Commissioner or Road Commissioners."

Section 7 of original act amended. How amended.

SECTION 5. The said act shall be published as hereby amended. Act to be published as amended.
Passed at Dover, March 5, 1861.

CHAPTER 82.

An Act dividing Brandywine Hundred into Two Election Districts.—
 AS AMENDED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That for the purpose of holding elections for State and County officers in Brandywine Hundred, the said hundred shall be divided into two election districts, eastern and western. The Brandywine Eastern Election District shall be composed of all that portion of said hundred east of the following line, to wit: Beginning on the Delaware River at Quarryville Creek, thence with the several meanderings of the main branch of said creek until it intersects the Cabin Road, thence with said Cabin Road until it strikes the Folk Road at Talley's Corner, thence with the said Folk Road to Miller's Corner at the crossing of the said Folk Road and the Grub Road, thence with the said Grub Road until it strikes the Naaman's Creek Road, thence from the said intersection of the Grub Road with the Naaman's Creek Road in a straight line with the Grub Road until it strikes the Pennsylvania line. All that portion of said hundred west of said line to be called Brandywine West Election District.

Brandywine Hundred divided into two election districts. How divided

SECTION 2. The elections for the said Brandywine East Election District shall be held at the Tavern House, called the "Practical Farmer," now occupied by John B. Grubb, and the elections for Brandywine West Election District shall be held at the Academy in Brandywine Village, as heretofore.

Elections, where held.

Electors to vote, where. SECTION 3. At the said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Road Commissioners, for Assessor of the said hundred, and for Inspectors of the said election districts. The electors residing in the said hundred shall vote in the election district in which they shall at the time reside.

Election laws to apply to election in said district. Exception. SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of Assessor and Inspector and Road Commissioners is qualified by the provisions hereinafter contained.

Assessor and Inspectors. SECTION 5. There shall be elected in accordance with the provisions of Chapter 17 of the Revised Statutes, one Assessor for Brandywine Hundred, and one Inspector for each of the said districts. In such election for Assessor and Inspector, the Collector of said hundred shall be the presiding officer of Brandywine West Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle County in the month of March next previous to the election, shall be the presiding officer for Brandywine East Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law; and if at any election for Assessor and Inspector in said Brandywine East Election District a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle County shall, at the time of the appointment, make provision for the furnishing by the Collector of a list of the voters of the said hundred to the person appointed as presiding officer as aforesaid.

Presiding officer, when and how appointed.

Certificates of election. SECTION 6. Immediately upon closing the election for Assessor and Inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges of the election in each of said districts shall make and sign certificates according to law of the election of Inspectors, varying from the form prescribed for that purpose by omitting the Assessor, and in lieu of including the election of Assessor in such certificate, they shall make and sign a certificate of the number of votes given for each candidate voted for as Assessor, and also of the number of votes given for each candidate voted for as Road Commissioner.

Presiding officers to assemble; when and where. SECTION 7. The said presiding officers and judges of both the said election districts shall assemble on the day next succeeding said election, at 12 o'clock, M., at the place of voting in Brandy-

wine West Election District aforesaid, and ascertain the aggregate number of votes given in both the said districts for each person voted for for Road Commissioner and for Assessor. The candidate having the highest number of votes shall be declared duly elected Assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for Road Commissioner or Commissioners, shall be declared duly elected Road Commissioner or Road Commissioners, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and an equal ^{The vote.} number of votes, the Collector or presiding officer of said Brandywine West Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

Passed at Dover, February 7, 1861.

Amended March 5, 1861.

CHAPTER 83.

An Act further to amend An Act entitled "A supplement to Chapter 19 of the Revised Statutes of the State of Delaware, title 'Of elections in Wilmington Hundred.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. For the purpose of holding elections for State and County officers in the third and fourth wards of Wilmington Hundred, each of the said wards shall be divided into two election districts. Each precinct of said wards, as the same is bounded and defined in an act entitled "An act to amend the charter of the City of Wilmington," passed at the present session, shall be an election district of the City of Wilmington. Third and Fourth Wards in the City of Wilmington divided into two Election Districts.

SECTION 2. The election for the 1st precinct of the 3d Ward shall be held at the northwest corner of Sixth and Orange streets, for the 2nd precinct of the 3d Ward at the southwest corner of Ninth and Shipley streets; for the 1st precinct of the 4th Ward at the City Hall; for the 2nd precinct of the 4th Ward at the northeast corner of Seventh and Walnut Streets. Elections in precincts, where held.

SECTION 3. There shall be elected, according to the provisions of Chapter 17 of the Revised Code, one Inspector for each of the said districts, except, that at such elections, instead of the Collector of the hundred, the presiding officer for the several districts herein Inspector to be elected.

Presiding officer to be appointed by the Levy Court. His powers.

In absence of presiding officer voters to choose.

created, shall be for each district some qualified voter of the district, to be appointed by the Levy Court in the month of March next previous to the election, and such qualified voters, when appointed, shall have all the powers and perform all the duties given to and imposed upon Collectors of hundreds in said 17th Chapter. If at any election for Inspector in either of the elections in the precincts or districts aforesaid, a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10, Chapter 18 of the Revised Code, and at said election there shall be voted for one Assessor for the City or Hundred of Wilmington.

Presiding officer and judges to meet at City Hall, and ascertain number of votes given for Assessor.

Certificates of election. The vote, how to be decided.

SECTION 4. Immediately after making the certificates required by Section 8, Chapter 19 of the Revised Code, the presiding officer and judges of the precincts aforesaid shall assemble in the City Hall, with the presiding officer and judges of the 1st, 2nd and 5th Wards, and ascertain the number of votes given for Assessor in all the Election Districts of the city. The candidate having the highest number of votes shall be declared duly elected Assessor, and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two or more persons shall have an equal, and at the same time the highest number of votes for the office of Assessor, the presiding officers of all the election districts in the city shall agree upon and give a casting vote.

Provisions of Section 2 of Chapter 18 of Revised Code extended.

Inconsistent laws repealed.

SECTION 5. The provisions of Section 2, Chapter 18 of the Revised Code, are hereby extended to the places by this act appointed for holding elections for the State and County officers.

SECTION 6. All laws which are inconsistent with, or inapplicable under the provisions of this act are hereby repealed.

Passed at Dover, March 5, 1861.

CHAPTER 84.

An Act concerning certain Marsh Meadow within the City of Wilmington, and to repeal an act therein mentioned.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring:) SECTION 1. An act of Assembly, made in the twelfth year of the reign of George the Third, entitled "An act to enable the owners and possessors of the marsh meadow on

Certain act repealed.

the north side of the Christiana river, in the Borough of Wilmington, to keep the banks, drains and sluices in repair," is hereby repealed.

SECTION 2. The Mayor and Council of Wilmington are hereby authorized, within the limits of the marsh meadow described in the first Section, to repair the banks, sluices and drains, and to open, scour and cleanse the same, and new banks, sluices and drains to construct at such times and places as to them may seem expedient. They shall keep a just account of the expenses incurred under authority of this Section, and make a just and equitable assessment of the same upon the owners of property in said tract of marsh meadow in proportion to the benefit conferred upon each lot and its owner. *Provided however,* That the Mayor and Council of Wilmington shall bear a proportion of the expense so incurred equal to the benefit accruing to the city by reason of such improvement. If any owner shall neglect or refuse to pay his proportion so assessed for the space of thirty days after presentation of a bill for the same, it shall be lawful for the Mayor and Council of Wilmington to recover the same from such delinquent as debts of like amount are recoverable by law.

Passed at Dover, March 5, 1861.

Mayor and Council of Wilmington may repair the banks, sluices, and drains. May construct new ones. To keep account of expenses. To make a just assessment among the owners of property benefitted. City to bear a proportion of the expense. Penalty in case any owner of land refuse to pay his proportion of the expense.

CHAPTER 85.

An Act to provide for the Measurement and Inspection of Lime.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows: **SECTION 1.** The Governor shall appoint a Lime Measurer and Inspector, who shall reside in the town of New Castle; said Measurer and Inspector may appoint a deputy or deputies to assist him in the performance of his duties. The said Measurer and Inspector and each deputy shall be duly sworn or affirmed, according to the provisions of Article VI of the Constitution of the United States, and of Article VIII of the Constitution of the State of Delaware.

Governor to appoint a Lime Inspector. To reside at New Castle. Inspector may appoint Deputies. Inspector and deputies to be sworn.

SECTION 2. It shall not be lawful for any railroad company, their agent or agents, or for any individual or individuals, to carry upon the New Castle and Wilmington Railroad, or upon the New Castle and Frenchtown Railroad, or upon the Delaware Railroad, to any point on either of said railroads, any car or other vehicle loaded with lime at the town of New Castle, until the said lime shall have been duly measured and inspected by said Lime Meas-

N. C. & W. R. Road. Del. R. Road and N. C. & F. R. Road Companies prohibited from carrying lime until measured and inspected.

suror and Inspector, or one of his deputies, and a certificate of measurement and inspection shall have been made out by said Inspector, or one of his deputies, and attached to the car, as hereinafter provided.

Duty of Inspector.

What he shall ascertain

Certificate, what to set forth.

To be fastened to the car. When.

SECTION 3. It shall be the duty of said Lime Measurer and Inspector, either in person or by deputy, to measure, inspect and examine each and every car load of lime taken from said town of New Castle to any point on either of the railroads in the second Section of this act mentioned; and ascertain whether the same be entirely quick lime, or part quick and part slaked, or entirely slaked; and if any or all of said car load of lime shall be slaked, then he shall ascertain and determine how much thereof is slaked and how much is quick; and shall also determine how many bushels of quick lime the entire load is equivalent to. He shall thereupon make out upon good card-paper, and sign a certificate setting forth the number of the car, the whole number of bushels of lime contained therein, the number of bushels thereof which may be slaked, and the number of bushels thereof which may be unslaked, and the number of bushels of quick lime to which the whole car load is equivalent, and shall date the said certificate, and fasten the same securely upon the car containing said lime. All which shall be done by the Measurer and Inspector, or his deputy, as soon as the loading of each car is completed, and so that no cars or employees of any railroad company shall be kept waiting for such inspection and certificate.

Inspector to keep a record. What to show.

Book to be open to inspection by whom. Inspector to furnish statement of particulars upon application of buyer.

SECTION 4. The Measurer and Inspector shall record the date of loading each car load of lime, and all the other particulars to which he is required by the preceding Section to certify, in a suitable book to be kept for that purpose, to which book the agents of the railroad companies, the seller and the purchaser of any lot of lime measured and inspected shall have access on application. It shall also be the duty of the Measurer and Inspector to forward by mail or otherwise, to the buyer or consignee, a written statement of the particulars aforesaid, for any lot of lime, if such buyer or consignee shall make application for such written statement.

Penalty for neglect to perform the duties imposed by this act.

Fee of Inspector.

By whom paid.

SECTION 5. If any lime Measurer and Inspector, or Deputy Measurer and Inspector, or any agent or servant of any company, or individual or individuals, working any of said railroads, shall neglect or refuse to perform the duties or requirements imposed upon him by this act, he shall, upon conviction thereof by indictment, forfeit and pay to the State a fine not less than five or more than thirty dollars. The fee for measuring, inspecting and certifying each car load of lime shall be thirty cents, to be paid by the vendor. If said fee shall not have been paid on any car load of lime before the same shall be removed from the town of New Castle, then the railroad company removing such

car load shall collect the fee due thereon from the consignee, and pay the amount to the Measurer and Inspector.

SECTION 6. The said Lime Measurer and Inspector shall hold his office for the term of two years from the date of his commission, or until his successor is appointed and qualified. Term of office of Inspector.

SECTION 7. Nothing in this act contained shall be construed as having any reference to the rates of freight charged or to be charged by any railroad company for the transportation of lime, or as restricting the rights of any railroad company in any way except as expressly set forth in Section 2 of this act. Rates of freight not interfered with by this act.

Passed at Dover, March 5, 1861.

CHAPTER 86.

An Act to amend Chapter 34 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. The 7 Section 7 of Chapter 34 of the Revised Code is amended by inserting in the 4th line thereof, between the words "county" and "to" the words "and also to execute all landlord's warrants." Code amended. How.

SECTION 2. In all future editions of the Statutes of the State of Delaware, the said Chapter shall be published as hereby amended.

Passed at Dover, March 5, 1861.

CHAPTER 87.

An Act to enable the Governor to appoint an additional Justice of the Peace and Notary Public for New Castle County, to reside at or near Claymont.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That the Governor be and he is hereby authorized and empowered to appoint an additional Justice of

the Peace
and Notary
Public for
N. C. Co. to
reside at
Claymont.

point an additional Justice of the Peace for New Castle County, who shall reside at or near Claymont, in Brandywine Hundred, also to appoint said Justice of the Peace a Notary Public, with all the privileges and powers relating to such office.

Inconsistent
acts repealed

SECTION 2. *And be it further enacted*, That this act shall repeal all laws or points [parts] of laws so far as they may be inconsistent herewith, and be deemed a public act.

Passed at Dover, March 5, 1861.

CHAPTER 88.

An Act to Incorporate the Wilmington and Brandywine Railroad Company.

Commission-
ers appoint-
ed.

To open
books.

Entry to be
made in
books.

Who may
subscribe.

When 1000
shares are
subscribed,
subscribers
incorporated

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, (two-thirds of each branch thereof concurring,) That David C. Wilson, John Wales, Samuel Wallaston, John H. Price, Evan C. Stotsenburg, T. Jenifer Adams, William S. Hilles, or any two of them, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall at such time or times as they may deem expedient, procure two or more books, which shall be opened at such time or times, place or places, as they shall think proper, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and Directors of the Wilmington and Brandywine Railroad Company the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the President and Directors of the said Company, in pursuance of an act of the General Assembly of this State, entitled 'An act to incorporate the Wilmington and Brandywine Railroad Company:' Witness our hands this —— day of —— in the year of our Lord one thousand eight hundred and ——;" and after giving such notice as to them shall seem proper, they shall permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the name of any other person or company who shall authorize the same, for any number of shares in the said stock.

SECTION 2. *And be it further enacted by the authority aforesaid*, That when and as soon as one thousand shares shall be subscribed, the subscribers, their successors and assigns shall be, and they are

hereby declared to be incorporated by the name, style and title of the "Wilmington and Brandywine Railroad Company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and enforce such by-laws and regulations as shall be deemed necessary and convenient for the government of the said corporation, not being repugnant to the constitution and laws of this State and of the United States; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being and ordering of the same. *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and proper arrangement of the said railroad.

SECTION 3. *And be it further enacted*, That the Commissioners aforesaid, as soon as conveniently may be, after one thousand shares shall be subscribed as aforesaid, shall give notice in two of the Wilmington newspapers, and in such other newspapers as they shall deem proper, for at least twenty days, of the time for the said subscribers to meet in the City of Wilmington in order to organize the said Company, and to choose, by a majority of votes present, to be given in person or by proxy, nine Directors, a majority of whom shall be residents of this State, and the said Directors shall conduct the business of the said Company until the second Monday of January next ensuing their election, and until like officers shall be chosen, and may make such by-laws, rules and regulations as are not repugnant to the constitution and laws of this State and of the United States, and that may be necessary to the well-governing the affairs of said Company.

SECTION 4. *And be it further enacted*, That the Stockholders shall meet on the second Monday in January, in each and every year after the number of shares of stock mentioned in the second Section of this act shall have been subscribed, at the City of Wilmington, of which notice shall be given at least twenty days, by the Secretary, in the newspapers before-mentioned, and choose by a majority of votes present, their officers for the ensuing year as mentioned in the third Section of this act, who shall continue in office for one year and until others are chosen: And at such other times as they may be summoned by the Directors, in such manner

Powers of stockholders at annual meetings.

Each share to entitle holder to one vote.
Exceptions.

Voting by proxy.

Election of Directors, how conducted.

Non-election of Directors not to dissolve corporation.

Notice of the time and place for election.
Continuance in office.

Vacancies, how filled.

Meetings of Directors, where held.

Quorum.
Election of President

and form as shall be prescribed by the by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, each share entitling him to one vote, but no share shall confer a right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and *bona fide* in his own right, or in that of his wife, or for his or her sole use or benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person, and in all voting by proxy the attorney shall be legally constituted under the hand and seal of the party, and the authority properly authenticated when, according to the laws of this State, such authentication is necessary.

SECTION 5. *And be it further enacted*, That the election of Directors provided for in the preceding section shall be conducted in the following manner, that is to say: the Directors for the time being shall appoint two of the stockholders not being Directors, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before a Judge or Justice of the Peace, well and truly, and according to law, to conduct such election; and the said Judges shall decide upon the qualifications of voters, and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of Directors shall not be made, the corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful to hold and make such election of Directors on the same day or on any day thereafter, by giving at least ten days notice, signed by the President or Secretary, in the newspapers before mentioned, of the time and place of holding said election; and the Directors of the preceding year shall, in that case, continue to act and be invested with all the powers belonging to their office until another election shall take place. In case of the death, resignation, or removal from the State of any Director, his place shall be filled by the Board of Directors, until the next annual election: *Provided*, The removal of a Director from this State shall not operate to vacate his place, should there be a majority of Directors still residing in the State.

SECTION 6. *And be it further enacted*, That the said Board of Directors shall hold their meetings in the City of Wilmington, or in such other place as they may adopt, and when met, five shall be a quorum. They shall elect a President and Secretary and Treasurer, and such other officers as may be required for the trans-

action of their business, and for carrying on the intended work; and shall have power to fix their salaries and wages, to ascertain the times, manner and proportion in which the said stockholders shall pay the moneys due on their respective shares: and generally to do all such other acts, matters and things as by this act, and by the by-laws and regulations of the Company they are authorized to do.

SECTION 7. *And be it further enacted*, That the Board of Directors first chosen shall procure certificates or evidences of stock for all the shares of said Company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, and sealed with the common seal of said corporation, to each person or party entitled to receive the same according to the number of shares by him, her or them respectively subscribed or held; which certificates or evidences of stock shall be transferable at the pleasure of the holder, in person, or by attorney duly authorized, in the presence of the President or Treasurer, in a suitable book or books to be kept by the Company for that purpose, (subject, however, to all payments due or to become due thereon,) and the assignee, or the party to whom the same shall have been so transferred, shall thereupon be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber would have been: *Provided*, That no certificate shall be transferred so long as the holder thereof is indebted to said Company, unless the Board of Directors shall consent thereto: *And Provided*, That no such transfer of stock shall have the effect of discharging any liabilities or penalties theretofore incurred by the owner thereof.

SECTION 8. *And be it further enacted*, That if, after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or installment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or installment at the place appointed for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the installment so called for, pay at the rate of two per cent. per month for the delay of such payment; and if the same and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sum before paid in part and on account of such shares, the same shall be forfeited to the said Company, and may be sold to such person or persons willing to purchase for such price as can be obtained for the same, or in default of payment by any stockholder of any such installment as aforesaid, the President and Directors may, at their election, cause suit to be brought before any Justice of the Peace, Mayor of the City of Wilmington, or in any court having competent jurisdiction, for the recovery of the same, together with the

and other officers.

Powers of Directors. To fix salaries. To make calls.

Certificates of stock.

To whom delivered.

Certificates of stock transferable, how.

Assignee to be a member of the corporation.

Proviso

Penalty for refusing to pay call within thirty days.

President and Directors may bring suit for the amount of the calls and penalty.

No stockholder entitled to vote who has not paid his calls within thirty days.

penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said Company, on whose share or shares any installment or arrearages may be due and payable more than thirty days previous to said election or meeting.

Treasurer to bond.
Other officers to bond when required.

SECTION 9. *And be it further enacted*, That the President and Directors of the said Company shall demand and require of and from the said Treasurer, and from such other officers and persons by them employed as they may deem necessary, bond in sufficient penalties and with such sureties as they shall, by their by-laws, rules and regulations, require for the faithful performance of the several duties and trusts to them or any of them respectively committed.

Dividends.

SECTION 10. *And be it further enacted*, That dividends of so much of the profits of the Company as shall appear advisable to the Directors, shall be declared at least twice in every year, and paid to the stockholders on demand at any time after the expiration of ten days therefrom, but they shall, in no case, exceed the amount of the nett profits actually acquired by the Company, so that the capital stock shall never be thereby impaired. If the said Directors shall make any dividends which shall impair the capital stock of said Company, the Directors consenting thereto shall be liable in their individual capacities to said Company for the amount of the stock so divided; and each Director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the Board, and give public notice to the stockholders at the declaring of such dividend.

Not to exceed the nett profits of the Company.

Individual liability of Directors declaring dividends exceeding profits.
Directors present deemed to consent, unless, &c.

At annual meetings of stockholders Directors to exhibit statement of the affairs of Company.
Special meetings, how called.
Notice.
Special business only to be transacted, unless, &c.

SECTION 11. *And be it further enacted*. That at each annual meeting of the stockholders, the Directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the Company for the preceding year, and that special meetings of the stockholders may be called by order of the Directors or by stockholders holding one-fourth in amount of the capital stock on like notice as that required for annual meetings, specifying, moreover, the object of the meeting, but no business shall be transacted at such special meeting, unless a majority, in value, of the stockholders, shall attend in person or by proxy.

Company authorized to construct railroad.
Where.

SECTION 12. *And be it further enacted*, That the said Company be and they are hereby authorized to locate and construct a railroad, beginning at some point on the Christiana river, within or near the city of Wilmington, and extending to the line of this State in the direction of Parkesburg, in the State of Pennsylvania, with such lateral railroads as occasion may require; and for that purpose to enter upon any lands necessary for locating, laying out, or making the same, or to procure sand, gravel, earth, or

May enter upon any lands neces-

wood, for such use, and to obtain title and right to the same, as hereinafter provided. *Provided*, That the said route shall not be fixed nor laid down, nor shall the main road, nor any lateral road hereby authorized to be located and constructed be made, located and constructed, so that the same or any part thereof shall run or be laid down within the distance of one-half mile of any powder mill, powder yard, or powder magazine, or any building used for the making or storing of gunpowder, and which may now, or at the time of the location and construction of the said main or lateral road, belong to the firm of E. I. Dupont, de Nemours and Company, and shall not pass through any burying-ground, or place of public worship, nor any dwelling house, without the consent of the owner thereof: *Provided*, That before the Company shall enter upon or take possession of any lands, or materials required for the construction or location of the said road, they shall make compensation to the owner or owners thereof, or shall tender adequate security therefor.

SECTION 13. *And be it further enacted*, That whenever it shall be necessary for the President and Directors of the said Company, or their agents, to enter in and upon and occupy for the purpose of making said railroad, any lands the owners of which refuse to permit such entry and occupation, then it shall be lawful for the Superior Court of New Castle County, if in term time, or any Judge of said court in vacation, on application of either party, and at the cost and charge of said Company, to appoint five disinterested men of said county, who shall go upon the said lands, and assess the damages of such owner or owners fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of the said railroad to the said owner or owners, and the said Commissioners shall certify their finding and award to both parties; whereupon the said Company, on paying the damages so assessed, shall become entitled to have, use and enjoy the said lands, for the purposes by them required, forever. And in case any owner or owners of any lands necessary for the purposes of said Company shall be a minor, or non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or to call on the Company for the same, the said Company may deposit the amount of the said damages to the credit of such owner or owners in Branch of the Farmers Bank of the State of Delaware, at Wilmington, subject to his, her, or their order; whereupon the said Company shall be entitled to have, use, and enjoy the said lands and premises required for the purposes of said Company, for or on account of which damages shall have been so assessed. The expenses of the assessment of said damages shall always be paid by the said Company.

SECTION 14. *And be it further enacted*, That the said railroad shall be so constructed by the said Company as not to impede or

obstruct the free use or passage of any public road or roads which may cross or enter at the same being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said Company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road to cross or pass over or under the said railroad, which causeway or causeways shall be made by the said Company, and maintained by them; and that for the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said Company to make, or cause to be made, a good and sufficient causeway or causeways whenever the same may be necessary to enable the occupant or occupants of said lands to cross or pass over the same, with wagons, carts, or implements of husbandry, as occasion may require: *Provided*, That the said Company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or tract of land for the accommodation of any one person owning or possessing land through which the said railroad may pass; and where any public road shall cross such railroad the person owning or possessing land through which the said road may pass shall not be entitled to make such requisition on said Company. And if the said Company shall neglect or refuse to make such causeway or causeways on request, or when made to keep the same in good repair, then said Company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any Justice of the Peace, or any Court having cognizance thereof; and the service of process upon any officer or agent of said Company shall be as good and available in law, as if served upon the President thereof.

Other crossings.

One crossing only to one tract of land.

Penalty for neglect to make such crossings.

How recovered.

Service of process.

Suit against Company for penalties under this act.

Company may plead the general issue.

SECTION 15. *And be it further enacted*, That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless suit or action shall have been commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Penalty for injury to works of Company.

SECTION 16. *And be it further enacted*, That if any person or persons shall wilfully or knowingly destroy, injure, or break the railroad, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said Company in pursuance of this act, he, she, or they shall forfeit and pay to the said Company three times the actual damages so sustained, to be sued for and recovered with costs of suit, before any Justice of the Peace,

How recovered.

or in any Court having cognizance thereof, by action of debt, in the name and for the use of the said Company.

SECTION 17. *And be it further enacted,* That if at any time a Company incorporated by the Legislature of Pennsylvania, for the purpose of constructing a railroad from Parkesburg, Coatesville, or Downingtown, in that State, to the line of this State, should wish to unite with the railroad contemplated by this act, and it shall be desired by the President and Directors of the two Companies respectively, to unite the capital stock of the said companies, than then and in such case, the President, Directors, and Company of the Wilmington and Brandywine Railroad, are hereby authorized and empowered to form such union of the capital stock of the said Companies, so that it shall constitute a common stock, and the two Companies shall constitute one Company, and be entitled to all the rights, privileges, and immunities conferred by their charters respectively.

Company may unite with other Company to be chartered in Pennsylvania.
When united the two Companies to form one Company.

SECTION 18. *And be it further enacted,* That it shall not be lawful for the said Company to use or occupy any street or alley of the City of Wilmington, for the purpose of making the said railroad, or any sideling or branch thereof, without first procuring the consent of the City Council to such use or occupation.

Company not to occupy any street in Wilmington without consent of City Council.

SECTION 19. *And be it further enacted,* That "An act to incorporate the Wilmington and Brandywine Railroad Company," passed at Dover, February 13, 1855, be and the same is hereby repealed.

Act repealed

SECTION 20. *And be it further enacted,* That this act shall be deemed and taken to be a public act; that the said Company shall have power to increase its capital stock by additional subscriptions to an amount or amounts, sufficient to effectuate the objects of this act, and construct the railroad contemplated by it, and from time to time to borrow money for corporate purposes and uses, and to execute mortgages on all their estate, real and personal, and to issue bonds to secure the payment of the same: *Provided,* That the amount so borrowed shall not exceed in the aggregate the sum of three hundred thousand dollars.

Public act.
Company may increase capital stock
May borrow money.
Not exceeding \$300,000.

SECTION 21. *And be it further enacted,* That the said Company shall erect and maintain along the whole line of said railroad, on both sides thereof, in this State, (before the said railroad shall go into operation,) a good and legal fence, wherever the same may be necessary: *Provided,* That the said Company shall have the right to make special contracts for erecting and maintaining fences with any persons through whose lands said road shall pass.

Company to erect and maintain fences on each side of the road.
May make special contracts with owner of lands in relation to fences.

Passed at Dover, March 5, 1861.

CHAPTER 89.

An Act to authorize Clement C. Simpson to straighten a Public Road in Mispillion Hundred, Kent County, Delaware.

C. C. Simpson authorized to straighten a part of a certain public road. Part to be straightened

Width of road.

To be a public road when put in order by said C. C. Simpson. Old road to be vacated, when.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Clement C. Simpson be, and he is hereby authorized and empowered to straighten that portion of the public road, leading from Clark's Corner to Vernon, beginning at a point in the old road nearly opposite the dwelling house of the said Simpson, and thence running through land of the said Simpson to an angle in the said road, opposite "James Anderson's road," and at the east corner of his field, thence by a straight line to intersect the old road, at or near the west end of the aforesaid James Anderson's field, so that the said road may be in as direct a line as practicable between the above named points, and of the width of thirty feet.

SECTION 2. *Be it further enacted by the authority aforesaid, That* if the road so straightened and put in good order for public travel, at the expense of the said Clement C. Simpson, shall be a public road, and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Kent County.

Passed at Dover. March 5, 1861.

CHAPTER 90.

A Supplement to an Act entitled, "An Act for the Protection of Manufacturers and Venders of Mineral Waters, Porter, Ale, and other beverages in bottles," passed at Dover, Feb. 25th, 1859.

Del. Laws, Vol. 11, page 760. Original act amended. How amended.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the act entitled, "An act for the protection of manufacturers and venders of Mineral Waters, Porter, Ale, and other beverages in bottles," be amended in the seventh line of Section 2, as published in the eleventh volume of the Laws, by inserting the word "cents" between the word "fifty" and the word "for," and that in all future editions of the Laws of this State the said act shall be published as hereby amended.

Passed at Dover, March 5, 1861.

CHAPTER 91.

An Act to amend Section 18 Chapter 99 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 18 of Chapter 99 of the Revised Statutes of the State of Delaware be, and the same is hereby amended, as follows, viz: Section 18 of Chapter 99 of Revised Code amended. How amended. by inserting immediately after the word "docket," in the 20th line of said Section, the words, "The said dockets to be made of the following sizes, viz: not more than seventeen inches long by twelve inches wide, and not less than thirteen inches long by eight inches wide, which shall be provided by the Levy Courts of the respective counties."

Passed at Dover, March 5, 1861.

CHAPTER 92.

An Act for the Suppression of Vagrancy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* all beggars and vagabonds who roam about from place to place, without any lawful business or occupation, sleeping in out-houses, barns, market places, sheds, or in the open air, and not giving a good account of themselves, and also all persons roaming about the country, commonly known as gypsies, shall be deemed vagrants, and liable to the penalties of this act. Who are to be deemed vagrants.

SECTION 2. It shall and may be lawful for any Justice of the Peace of the county where such vagrants shall be found, on complaint made, to cause the arrest of any person charged on oath or affirmation with being a vagrant, and upon such person being brought before him, to hear and determine the case, and it shall be the duty of the Justice to commit every person proved by his own confession, or by the testimony of one or more credible witnesses, to be a vagrant, to the workhouse or jail of the said county, there to be kept at labor by the keeper or overseer of such workhouse or jail for any time not exceeding sixty days. Duties of Justice of the Peace in regard to vagrants.

SECTION 3. Any person convicted by a Justice of the Peace of being a vagrant, may appeal from the decision of said Justice to the Court of General Sessions of the Peace and Jail Delivery. Persons convicted may appeal

Recogni-
zance on ap-
peal.
Conditions.

Such person appealing shall enter into recognizance, with sufficient surety in such sum as the Justice shall determine, conditioned for his appearance at said Court, at the next term thereof, to be holden in the county wherein said judgment was rendered, to answer to the complaint made before the said Justice, and abide the judgment of said Court. In every case of appeal the Justice shall bind the witnesses for the State for their appearance to testify, and shall forthwith transmit a copy of his record to the Clerk of the Peace of the county, who shall enter the appeal. The Attorney General shall, on such appeal, appear for the State, and the trial shall be by jury.

Witnesses to
be bound for
their appear-
ance at
Court.

Attorney
General to
appear for
the State.

Keeper of
workhouse
or jail to re-
ceive and set
vagrants to
work.

Penalty for
refusing to
obey keeper.

SECTION 4. It shall be the duty of the keeper or overseer of every workhouse or jail to receive all vagrants who shall be sent there by lawful authority, and to keep them, during the time for which they are sentenced to such workhouse or jail, employed in such labor as they shall be able to perform, and if any of them shall be refractory and stubborn, and refuse to work or to perform their work in a proper manner, the jail-keeper or overseer may put them in close confinement until they shall submit to perform their tasks and obey his orders.

Mayor and
Alderman of
Wilmington
to have same
powers as
Justices of
the Peace.

SECTION 5. The Mayor and Alderman of the City of Wilmington may respectively exercise, within the said city, all the authority which Justices of the Peace in and for New Castle County may exercise under this act.

Person con-
victed to be
deemed
guilty of a
misdemeanor.

Penalty on
conviction.

SECTION 6. Every person who shall be convicted of being a vagrant under this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof by indictment, or on an appeal from the decision of a Justice of the Peace, be sentenced to labor in the jail or workhouse of the county wherein the offence was committed, for a period not exceeding sixty days.

Passed at Dover, March 5, 1861.

CHAPTER 98.

An Act to incorporate a Bank at Seaford, in the County of Sussex, under the name of "The Seaford Bank at Seaford."

Commission-
ers appoint-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein,) That William Cannon, Rhodes Hazzard, Michael Colbourn, George W. Green, Benjamin Stockley, William W. Wright and Charles Wright be, and they*

are hereby [appointed] Commissioners to do and perform the things hereinafter mentioned, that is to say, they or a majority of them shall, on or before the first day of January 1862, procure a suitable number of books, one of which shall be opened in Seaford, and the others at such place or places as may be deemed advisable by said Commissioners, in each of which books they shall enter as follows, viz: "We whose names are hereunto subscribed, do promise to pay to 'The Seaford Bank at Seaford' the sum of twenty-five dollars for each and every share of stock set opposite our respective names, in such manner, sums, and at such times as shall be directed by the President and Directors of the said Bank," and shall thereupon give notice in two newspapers, printed in this State, and in such other newspapers as they may deem proper, at least twenty days of the time and place or places, when and where the said books shall be opened to receive subscriptions for the capital stock of the said Bank, at which time and place or places one or more of said Commissioners shall attend and permit all persons of lawful age who shall offer, to subscribe in the manner following, that is to say: On the first day on which the said books are opened, no person shall subscribe for more than forty shares, either in his own name or as attorney or agent for another; and on the second day on which the said books are opened, the same restrictions shall apply as to those who have not previously subscribed to said stock, and if at the expiration of the second day the whole number of two thousand shares shall not have been subscribed, then on the third or any following day, during which said books shall be open, it shall be lawful for any person or persons in his or their own name or names, or as attorney for another or others to subscribe for any number of shares in the said stock until the whole number of two thousand shares shall have been taken. The said Commissioners shall keep the books open at least three days, and at least six hours in each of said days, unless the whole number of two thousand shares shall have been taken and subscribed for before that time, and upon ascertaining at any time that the said whole number of shares are taken, they may close the said books. And if it so happen that more than two thousand shares shall have been taken, then the said Commissioners, or a majority of them, are hereby authorized and directed to deduct from the highest subscription or subscriptions until the number of shares shall have been reduced to two thousand.

To open books before 1st of January 1862. Where to be opened.

Entry to be made in

To give twenty days notice at least of the time and place of the opening of the books.

Who may subscribe, and in what manner.

How long the books to be kept open

If more than two thousand shares be subscribed for, to be reduced to that number.

SECTION 2. *And be it enacted*, That the capital stock of the said Bank shall be fifty thousand dollars, divided into two thousand shares of twenty-five dollars each.

Capital stock to be \$50,000 How divided

SECTION 3. *And be it enacted*, That as soon as the whole amount of two thousand shares shall have been subscribed, the subscribers and their successors and their assigns shall be, and they are hereby declared to be a body politic and corporate, by the name, style and title of "The Seaford Bank at Seaford," and by that

When two thousand shares are subscribed for, the subscribers incorporated. Name.

Continuance Corporate powers. name shall have succession for the period of twenty years from the date of the passage of this act and no longer; and by that name may sue and be sued, plead and be impleaded in all courts of law and equity, and may purchase and receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chatels, rights, credits and effects of whatsoever nature, quality or kind, and may grant, demise, alien, convey, transfer, assign or dispose of the same as to the said corporation may seem meet and right, and the said corporation may have and use a common seal, and may break, alter or renew the same at pleasure.

When \$50,000 are subscribed and \$20,000 paid in bank may go into operation. **The fact of payment to be certified under oath to the Governor.** SECTION 4. *And be it enacted,* That the said Bank may go into operation whenever and as soon as fifty thousand dollars shall have been subscribed and twenty thousand dollars actually paid in, one-half in specie and the balance in notes of solvent banks of this State or of Philadelphia. The fact of such payment shall be certified under oath or affirmation by the Directors respectively to the Governor of this State, previous to the going into operation of the said Bank.

Seven Directors to be elected. **Five of whom to be residents of this State.** **Directors to choose a President from among their number.** SECTION 5. *And be it enacted,* That for the proper management of the business and affairs of the said Bank, there shall be elected by the stockholders of said Bank seven Directors, five of whom shall reside in the State of Delaware, and one of said Directors shall not be eligible at the next election, who shall choose a President from among their number. The Directors shall be stockholders at the time of their election, and also during their term of service, and a majority shall be residents of this State.

When capital stock subscribed for, the Commissioners to give notice of meeting of stockholders to organize bank. **At such meeting stockholders to choose seven Directors.** **Directors at their first meeting to choose a President, and manage the affairs of the corporation till 1st Monday in July after their election.** **Elections of Directors to be held annually on** SECTION 6. *And be it enacted,* That the Commissioners aforesaid shall, as soon as convenient after the capital stock shall have been subscribed, give such notice as they may deem advisable of the time and place, in Seaford, at which the subscribers to the stock of the Bank shall meet in order to pay in their subscriptions and to organize the said Bank, and the said Commissioners or any two of them may hold the election; at which time and place the said subscribers shall choose, by a majority of the voters present, to be given in person or by proxy, seven Directors, and the said Directors, at their first meeting after their election, shall choose one of their number for President, and shall manage and conduct the business affairs of the said Bank until the first Monday in July next ensuing, when another meeting of the stockholders shall be held, of which twenty days notice shall be given, on which day and annually thereafter the stockholders shall meet at the banking house in Seaford, at which meeting the stockholders shall choose by a majority of votes present, given in person or by proxy, seven Directors, who shall continue in office the full term of one year, or until their successors shall be chosen, and the said Directors, at their first meeting after their election, shall

proceed to elect from their number a President, and in case of any vacancy or vacancies occurring in the Board of Directors by death, resignation or otherwise, the remaining Directors shall have power to fill the same by election from among the stockholders. Special meetings of the stockholders may be called (of which twenty days notice shall be given) by the Directors, upon the request in writing of stockholders owning four hundred shares of stock, or whenever the Directors may deem it necessary, and on all occasions of voting, each stockholder shall be entitled to one vote for every share of stock held by him for three calendar months prior to voting. In case it shall so happen from any cause that the election of Directors should not be made on the day specified, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting, to be called by the Directors according to the provisions of this act.

the 1st Monday in July. President to be elected annually. Vacancy among Directors, how filled. Special meetings of stockholders how called. Each share of stock entitles holder to one vote. Failure to elect Directors not to dissolve corporation.

SECTION 7. *And be it enacted,* That all the corporate powers of the said corporation shall be exercised by the Directors and such officers and agents as they shall appoint. The Directors shall have power to make all by-laws, rules and regulations necessary and proper for the government of the corporation, and not repugnant to the Constitution and laws of this State or of the United States. On all questions before the Board the President shall vote as a Director. Meetings of the Directors, either stated or special, shall be held and called as the by-laws may prescribe. The Directors shall allow such salaries to the officers and employees of the corporation as they may deem reasonable, but no Director shall be entitled to any salary unless the same be voted to him by the stockholders in annual meeting assembled.

Corporate powers to be exercised by the Directors. May make by-laws and regulations. President entitled to vote as a Director. Meetings of Directors. Salaries to officers.

SECTION 8. *And be it enacted,* That the President and Directors shall be authorized from time to time, upon giving such notice as they may deem most advisable, to sell the remaining shares of the capital stock until the whole is paid in, and issue certificates under the seal of the bank for said shares.

Directors authorized to sell capital stock remaining on hand. To issue certificates of stock.

SECTION 9. *And be it enacted,* That the said corporation is hereby vested with banking powers, and that in the exercise of the same the following shall be the fundamental articles of its government, that is to say: First. The said corporation shall hold no lands, tenements nor hereditaments but such as shall be required for the convenient transaction of business, or such as shall be *bona fide* mortgaged or pledged to it as surety for debts, or purchased at sales upon judgments which have been obtained for such debts. Second. The said corporation shall not take more than at the rate of one per centum for sixty days upon its loans and discounts. Third. All bills and notes not under the corporate seal of the bank, shall be signed by the President, and by such other officers as the Directors may appoint for that purpose. Fourth. The said corporation shall keep their banking house in

Corporation to have banking powers. Fundamental articles. What lands corporation may hold.

Rate of interest.

Bills and notes, by whom to be signed.

Banking-house to be at Seaford. Corporation to be subject to the provisions of Section 6 of Chapter 71 of the Revised Code. Stock to be transferable. Amount of debts corporation may owe. Cashier and accounting officers to give bond.

Tax to the State.

Seaford, and their notes shall be made payable there, in reference to which the said corporation is hereby expressly declared to be subject to Section 6, Chapter 71 of the Revised Statutes of the State of Delaware. Fifth. The stock of said bank shall be assignable and transferable in such manner as may be prescribed by the said corporation. Sixth. The total amount of the debts which the said corporation shall at any time owe, whether by note, bill or otherwise, shall not exceed double the amount of capital actually paid into the bank. Seventh. The Directors shall require from the Cashier and accounting officers of the Bank such bond and security for their faithful performance of their duties as may be prescribed by the by-laws.

SECTION 10. *And be it further enacted,* That the said corporation shall semi-annually pay into the Treasury of this State for the use of the State, a tax of one-fourth of one per centum on the amount of the capital stock actually paid in.

Commissioners not to allow more than two-fifths of stock to be subscribed for by non-residents.

If at any time more than a majority of stock be held by non-residents, the overplus of stock last subscribed to be reduced or forfeited.

SECTION 11. *And be it further enacted,* That the said Commissioners, in receiving subscription to the said capital stock, shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either personally or by attorney, and in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid, then the Commissioners shall deduct from said subscription last subscribed by such non-residents, until the aggregate amount so subscribed for by them shall be reduced to two-fifths. And if at any time after the bank hereby established shall have commenced business, and during the continuance of the said corporation, it shall so happen that by subscription or sale a proportion of said stock, greater than a majority shall be held or owned by persons not residing in this State, either in their own names or in the name of any other person as attorney, then the share or shares constituting such majority or overplus, and last subscribed or sold and transferred on the books of the corporation, shall be forfeited by the Directors for the benefit of the said corporation, and in case of the removal of any stockholder from this State so that he ceases to be a citizen, if the amount of stock held or owned by him shall increase the amount of stock held or owned out of the State to a proportion greater than a majority, it shall be incumbent on such stockholder to sell and transfer his said stock, or so much thereof as will reduce the amount so held or owned out of the State to less than a majority, to some person or persons resident within this State, within three months from the time of such removal, or the same shall be forfeited by the said Directors for the benefit of the corporation.

Corporation to go into effect before 1st of January, 1863.

SECTION 12. *And be it further enacted,* That if the said corporation shall not be fully organized according to the provisions of this act, on or before the first day of January, (1863,) one thou-

sand eight hundred and sixty-three, then and in that case this act shall be void and of no effect.

SECTION 13. *And be it further enacted*, That the stockholders of the corporation created by this act, in addition to said stock, shall be individually responsible to the amount of their respective share or shares of stock, for the payment and redemption of all circular notes made and issued by the said corporation.

SECTION 14. *And be it further enacted*, That the power of repealing this act is hereby reserved to the Legislature.

Right of repeal reserved to the Legislature.

Passed at Dover, March 6, 1861.

CHAPTER 94.

An Act concerning the Imprisonment of Free Negroes and Mulattoes for Debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That any free negro or mulatto residing or being in this State, who shall be imprisoned for any debt or obligation created or entered into within said State, after the first day of July next, shall be allowed ten days from the date of such imprisonment, within which to arrange with his or her creditor or creditors, for the liquidation and payment of his or her indebtedness for which he or she has been so imprisoned, together with such other debts created since the said first day of July, as shall be duly authenticated on oath or affirmation before some Justice of the Peace of the county where such debtor shall be imprisoned, and filed with the Sheriff of such county, before any disposition shall have been made of the party so imprisoned, whereby he or she shall have been released from imprisonment, and also all costs and prison charges connected with such imprisonment. And if the party so imprisoned shall enter into a contract with any person or persons for service and labor in payment of his or her indebtedness as aforesaid, such contract and agreement shall be deemed and held to be as binding on all the parties thereto, as an indenture of a colored person bound out to service under the laws of this State while under age; and the same legal remedies for the protection of the rights of the respective parties to such a binding shall be deemed to apply in all respects to contracts for service and labor entered into under the provisions of this act.

Any negro or mulatto imprisoned for the non-payment of a debt contracted after 1st day of July next, shall have ten days in which to arrange for the payment of the same and all costs.

Contracts for service or labor.

Laws applicable to indentures of apprenticeship to apply to such contracts.

SECTION 2. *And be it further enacted by the authority aforesaid*,

In case Free negroes or mulattoes imprisoned for debt shall not make such contracts, the Sheriff of the County authorized to sell such prisoner. Advertisements of sale, where to be posted. How long to be posted before sale. Where sale to be made.

Not to be sold for a longer term than seven years, nor out of the county. Purchaser not to transfer him to any person without the consent of some Judge of the county. Bills of sale, what to state.

To be delivered to the Recorder of the county. Title under bill of sale.

Recorder's fee to be paid by purchaser.

Fees to the Sheriffs.

Act to be published.

That in the event that any free negro or mulatto, imprisoned under the provisions of this act, shall neglect, refuse, or fail to make any arrangement for the payment of his or her indebtedness, as provided for in the first Section of this act, it shall be the duty of the Sheriff of the county in which such free negro or mulatto shall be imprisoned, to advertise such debtor for sale, by at least two advertisements set up in two of the most public places in each of the hundreds of the county in which such debtor shall be imprisoned, and at the expiration of twenty days from the setting up of such advertisements as aforesaid, exclusive of the day on which the same shall first be set up, shall sell such free negro or mulatto at the front door of the county jail of the county where such debtor shall be imprisoned, to the highest and best bidder, for such term as shall be sufficient to satisfy all the claims which shall be duly filed against him or her, as provided for in the first Section of this act, together with costs and prison charges: *Provided*, said term shall in no case exceed seven years; nor shall any free negro or mulatto be sold under the provisions of this act to any person residing out of the county where such sale shall be made; nor shall any purchaser at such sale be allowed to sell any free negro or mulatto purchased under the provisions of this act, to any person residing out of the county in which such purchase shall first be made, without the consent and approval of some Judge of the Superior Court residing in such county. And the bill of sale of the Sheriff of any of the counties of this State for any free negro or mulatto sold under the provisions of this act, shall plainly set forth in writing the name of the debtor sold, the length of time sold for, and the amount of the purchase money; which bill of sale shall be delivered by the Sheriff making such sale to the Recorder of his county to be recorded, which record shall be evidence of the title of the purchaser, which title shall be the same as that taken by the holder of a regularly executed indenture of binding of a free negro or mulatto, bound under the laws of this State, while under age, and shall convey to the purchaser the same remedies which he would have under such indenture, and also to the free negro or mulatto so purchased all the legal redress for improper treatment, which the laws of this State now provide for the protection of free negroes and mulattoes bound under age as aforesaid. The fee to the Recorder for recording such bill of sale shall be paid by the purchaser.

SECTION 3. *And be it further enacted*, That the fees to the Sheriffs of the several counties of this State for services rendered under this act shall be the same as is now provided by law for advertising and selling any other personal property of like amount.

SECTION 4. *And be it further enacted*, That for the purpose of giving full notice of the existence of this act before its provisions shall go into effect, it shall be the duty of the Secretary of State

to cause it to be published in one newspaper published in each of the counties of this State, for the period of three months, before the time herein fixed for its provisions to go into operation.

SECTION 5. *And be it further enacted*, That all acts and parts of acts now in force contrary to the provisions of this act be, and the same are hereby repealed, made null and void from and after the said first day of July next.

Inconsistent
acts repealed
after 1st day
of July next.

Passed at Dover, March 6, 1861.

CHAPTER 95.

*An Act to amend Chapter 103 of the Revised Statutes, entitled,
"Of Bail."*

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Chapter 103 of the Revised Statutes, entitled, "Of Bail," be amended in Section 9 thereof, by striking out the words, "or surrendered by his bail," occurring therein, and by adding these words to the end of said Section, "And also for any person who is now or may hereafter be imprisoned, having been surrendered by his bail, to enter special bail anew at any time before he shall be charged in execution by a writ of *capias ad satisfaciendum* delivered to the Sheriff."

Section 9 of
Chapter 103
of Revised
Code amend-
ed.
How amend-
ed.

Passed at Dover, March 6, 1861.

CHAPTER 96.

A further supplement to the Act entitled "An Act to incorporate a Company for making an artificial road from the borough of Wilmington on the east side of Brandywine Bridge to the Pennsylvania line on the route leading to the City of Philadelphia."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That hereafter every person who shall prefer an annual contract, for the use of the said road, shall be entitled, for himself and family, to all the benefits of the same, by application to the present man-

Annual con-
tract for use
of road.

agers of said road, and by paying to the toll receiver, quarterly in advance, at the rate of fifty per centum upon the full amount of tolls for the actual use of the road in any year, to be ascertained from an actual account of the actual travel of such person and his family during the next previous year, to be kept by the toll receiver. *Provided*, That no quarterly payment, under such contract, shall be less than seventy-five cents, and nothing herein shall be construed to repeal any provision of a further supplement to the act aforesaid, passed February 2d, 1827. *And provided also*, That no annual contract made as aforesaid shall extend to heavy wagons, carts, dearborns, or vehicles of any description used for carrying wood, grain, or any kind of country produce or commodities, but if the owner of such team wish to contract by the year, he shall have the right so to do, as hereinbefore provided. *And provided, nevertheless*, That should any person so contracting for the road for the year, refuse or neglect to pay said commutation quarterly in advance as aforesaid, then the Collector shall charge and collect the tolls for each passage, as though no such annual contract had been made.

Pay therefor.
How amount is to be ascertained.
Quarterly payment not to be less than 75 cents
Contract not to extend to heavy wagons, carts, &c.
Neglect to make quarterly payments in advance.

SECTION 2. *And be it further enacted*, That the following tolls (being the same that were adopted by the said Company, on authority granted in an additional supplement to the original act passed January 29th, 1818, and which are now, in connexion with the rates laid down in the original act, which have not been changed, the rates of toll charged by said Company,) shall continue to be legal tolls upon the said road, viz: for one horse, led or ridden, one cent per mile; one horse carriage, 4 wheels, one and a half cent per mile; two horse carriage, 4 wheels, two and a half cents per mile; oxen, per pair, one cent per mile; cattle, per score, four cents per mile; sheep, per score, two cents per mile; hogs, per score, two cents per mile; for carts and wagons for each horse one and a quarter cents per mile; for carts and wagons, with tire four inches or over, for each horse one cent per mile; and it shall not be lawful for said Company to charge at any time a higher rate of tolls than is hereby authorized, nor shall they at any time declare dividends amounting to more than six per cent. per annum.

Rates of tolls
Limit of dividends.

SECTION 3. *Be it further enacted*, That the President and Managers of said road are hereby authorized to relinquish said road, or any part thereof, when they shall deem it expedient so to do: *Provided*, That part shall be at the northerly end thereof, and that it can be relinquished only in such length as will leave no fraction of a mile at the northerly end of said road: *And provided further*, That the holders of two-thirds of the whole number of shares of stock concur therein.

President and Managers may relinquish any part of said road. Proviso.
Holders of two-thirds of stock to consent.

SECTION 4. *And be it further enacted*, That Section 27 of the act to which this is a further supplement, and all acts and parts

Inconsistent acts repealed

of acts inconsistent herewith be, and the same are hereby repealed.

SECTION 5. *And be it further enacted,* That the said Wilming-
ton and Philadelphia Turnpike Company shall, within three
months after the passage of this act, certify to the Governor their
acceptance of the same, or it shall be void and of no effect. The
certificate of such acceptance shall be under the hand of the Pre-
sident and Secretary of said Company, and shall be filed in the
office of the Secretary of State.

Acceptance
of act to be
certified to
Governor.

Requirement of
certificate.

Passed at Dover, March 6, 1861.

CHAPTER 97.

An Act to change the name of the Place called Marsh Hope Bridge.

SECTION 1. *Be it enacted by the Senate and House of Represent-*
atives of the State of Delaware in General Assembly met: That
the place called Marsh Hope Bridge, situate partly in Kent and
partly in Sussex Counties in this State, shall, from and after the
passage of this act be called and known by the name of Adams-
ville, which shall be its proper designation.

Name of
Marsh Hope
Bridge
changed to
that of
Adamsville.

Passed at Dover, March 6, 1861.

CHAPTER 98.

An Act regulating the sale of Lottery Tickets.

Be it enacted by the Senate and House of Representatives of the
State of Delaware in General Assembly met, as follows, viz: SEC-
TION 1. If any person shall sell or dispose of any lottery ticket or
a part of a ticket, either by hawking or at a particular stand or
place, without license first obtained, he shall upon conviction
thereof upon indictment, forfeit and pay a fine of twenty dollars
for each ticket so sold, and shall also be imprisoned not exceeding
thirty days for each ticket so sold. The punishment imposed by
this Section shall be cumulative to the provisions of Section 12
of Chapter 51 of the Revised Statutes of the State of Delaware.

Penalty for
for selling
lottery tick-
ets, or part
of a ticket,
without
license.

Punishment
to be cumu-
lative.

Fee for license to sell lottery tickets to be \$300. License not to remain in force longer than one year. Unexpired licenses.

SECTION 2. For every license granting the privilege to sell lottery tickets, there shall be paid to the Secretary of State for the use of the State, three hundred dollars, and no license shall remain in force for a longer period than one year from the date thereof, or authorize the sale of tickets at more than one place or stand at one time. Persons having license to sell tickets granted before the passage of this act, may continue to sell under such license until the expiration of one year from the date thereof.

Penalty for selling in any other name than that in which the license was obtained.

SECTION 3. If any person having license to sell lottery tickets shall sell any such ticket or part of a ticket at his stand or place of business, or shall sell any such ticket or part of a ticket, and deliver the same by letter or otherwise, in any other name than that in which license shall have been granted to him, he shall upon conviction thereof by indictment, forfeit and pay a fine of twenty dollars for each ticket so sold, and shall also be imprisoned not exceeding thirty days for each ticket so sold.

What may be set forth in the indictment.

SECTION 4. In any indictment under the provisions of the first or third Sections of this act, the number of tickets or parts of tickets, or of tickets and parts of tickets may be set out, and proof of the sale of one or more tickets, or parts of tickets, shall be sufficient to sustain the indictment, and the verdict may specify the number of tickets, or parts of tickets, or of both, and judgment shall pass accordingly; or if a sale of several tickets, or parts of tickets, or both, shall be made at the same time to the same person or persons, it shall be competent to indict the offender for the sale of each of said tickets, or parts of tickets, in several indictments.

What the verdict may specify. Indictment may lie for sale of each ticket or part.

Licensed ticket sellers sign—how made.

SECTION 5. Every person having license to sell lottery tickets, shall keep, set, fastened and displayed, in some conspicuous place, upon the outside of the front of his stand or place of business, a sign containing the name in which his license was issued, in the possessive case, and the words "Licensed Lottery Office," distinctly lettered in letters not less than two inches long vertically, and of corresponding breadth. If any person having such license shall sell or offer to sell any lottery ticket, or part of a ticket, without having such sign so set, fastened and displayed, he shall upon conviction thereof by indictment, forfeit and pay a fine of ten dollars for each ticket so sold.

Penalty for neglect.

Penalty for any person sending a letter or issuing a circular containing misrepresentations, &c.

SECTION 6. If any person shall send any letter, or issue any circular or circulars falsely representing himself to be a licensed dealer in lottery tickets, or representing himself to deal in lottery tickets at a place which has no existence in fact, or representing himself as dealing in lottery tickets at a place where he is not located for the purpose of dealing in lottery tickets, or representing himself to deal in lottery tickets at a place or stand where no sign is displayed with his name and the words "Licensed Lottery Office" thereon, as provided for in Section 5 of this act, or if any

person shall by circular or letter offer to guarantee or promise that any ticket or part of a ticket, that may be purchased by the person to whom the said letter or circular may be sent, or by any other person, shall certainly draw a prize, such person so offending, shall upon conviction thereof by indictment, forfeit and pay a fine of twenty dollars for every letter or circular so sent or issued, and shall also be imprisoned not exceeding thirty days for every letter so sent or issued.

Passed at Dover, March 6, 1861.

CHAPTER 99.

An Act to prevent Swine running at large within the Town of Millsboro, Sussex County.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the provisions of Section four, Chapter fifty-eight, of the Revised Statutes shall, after the passage of this act, extend to that part of Sussex County within the limits of the Town of Millsboro.*

Swine prohibited from running at large within the limits of the Town of Millsboro, in Sussex County.

Passed at Dover, March 6, 1861.

CHAPTER 100.

An Act to incorporate the Dover Classical Seminary.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch thereof) as follows, to wit: SECTION 1. William A. Reynolds, Samuel M. Harrington, Henry Todd, Isaac Jump, Henry Stout, James A. Dunning, Rev. Charles Cooke, Gove Saulsbury, William J. Clarke, John W. Cullen, Charles Kimmey, James Cowgill, George P. Fisher, John Green, Eli Saulsbury, James M. Kerbin, John A. Nicholson, John B. Pennington, John C. Pennewill, Edward Ridgely, Caleb S. Pennewill, and such other persons as now are or hereafter may be associated with them and their successors be, and they are hereby constituted a body politic and corporate by the name and style of "The Dover Classical Seminary." The object of said corporation shall be the instruction of students in Languages, Arts, and Sciences.

Persons incorporated.

The Name. Objects.

Continuance
Corporate
powers.

SECTION 2. Said corporation shall have succession for the period of twenty years, with power to sue and be sued, plead and be impleaded, in courts of law or equity, to make and use a common seal, and alter the same at pleasure, to take by gift, grant, devise, bequest, contract or otherwise, and to hold and transfer lands, tenements, hereditaments, goods, chattels, rights, credits: *Provided, nevertheless*, That all the property of said corporation shall not exceed in yearly value the sum of twelve thousand dollars; and with power to grant to students such honorary certificates as to such corporation may seem meet.

Yearly
value of pro-
perty not to
exceed \$12,-
000.
May confer
certificates.

Capital stock
\$31,000.
How divided
Book to be
opened for
subscription
before 1st
day of
August next

SECTION 3. The capital stock of the corporation shall not exceed twenty-five thousand dollars, divided into shares of twenty-five dollars each. The persons in the first Section of this act are appointed Commissioners to procure subscription, and they, or any three of them, shall open books of subscription to such capital stock at Dover, on or before the first day of August next, and at such other times and places as the majority of them shall determine upon; and whenever in the opinion of such majority a sufficient amount of stock shall be subscribed to commence operations, they may call for the payment of the stock subscribed at such times as they may deem expedient, giving thirty days notice thereof, and calling no more than ten dollars on each share at one time.

When calls
for payment
may be
made.

Notice.
Calls not to
exceed \$10.

When meet-
ing of stock-
holders to be
called.

SECTION 4. On the payment of the first installment a meeting of the stockholders shall be called, at a time and place fixed by the Commissioners, at which meeting, and annually thereafter, the stockholders, in person or by proxy, shall choose by ballot and by a majority of votes, each share being entitled to one vote, nine Trustees, to continue in office one year and until others shall be duly chosen. Any vacancy in the Board of Trustees may be supplied by the others. A failure to elect annually will not dissolve the corporation. The affairs and business of the corporation shall be conducted by the Trustees, a majority being sufficient to elect. They shall elect one of their members President, and may appoint a Treasurer, and employ such other officers, professors, instructors, agents and servants as may be necessary, subject to removal by a vote of ten* members of the Board, may fix their compensation and secure their fidelity by bond or otherwise. They shall have power to make laws, rules and regulations for the government of the corporation, not being inconsistent with the laws of the land, and being subject to change or repeal by the stockholders in general meeting.

Nine trust-
ees to be
chosen.
Term of office
Vacancy in
Board, how
filled.
Failure to
elect not to
dissolve cor-
poration.
Duties of
Trustees.
To elect
President,
Treasurer,
and other
officers.
May remove
officers.
May fix
salaries.
May make
rules and
regulations.
Refusal to
pay install-
ment within
thirty days.
Penalty.

SECTION 5. If any subscriber to the capital stock shall refuse to pay any installment on the stock subscribed for or held by him for the space of thirty days after the time appointed for payment thereof and notice to him, the Trustees may either declare such stock forfeited, and sell the same for the benefit of the corporation,

* So in enrolled copy.

or in the name of the corporation sue for and recover the sum remaining unpaid, with costs and interest thereon, and such delinquents shall not, during the time any installments shall be due and unpaid, be entitled to vote at any meeting of the stockholders or to recover any dividend on their stock.

No delinquent stockholder entitled to vote.

SECTION 6. Power is hereby reserved to the Legislature to revoke, alter, or amend this charter.

Right of revocation reserved.

Passed at Dover, March 6, 1861.

CHAPTER 101.

A further supplement to the Act entitled, "An Act for the Encouragement of Internal Improvements in the State of Delaware."

WHEREAS it has been represented to this General Assembly, that the security given by Richard France, in the bond executed by him to the State of Delaware, under the provisions of Section 4 of the act entitled, "An Act for the Encouragement of Internal Improvements in the State of Delaware," has become insufficient for the purposes mentioned in said act, and that said Richard France is willing to give a new bond with other security to the State, agreeably to the provisions of said Section 4, therefore,

Preamble.
11th Vol. Del. Laws page 564

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That the said Richard France be and he is hereby authorized to give a new bond, conditioned as prescribed by the fourth Section of the act aforesaid, to be approved by the Chancellor and any one of the Judges of the Superior Court of this State, or by any two of the Judges as aforesaid, and deposited with the State Treasurer, who is hereby authorized, upon the execution, approval, and delivery to him of said new bond, to give up to the said Richard France the bond heretofore executed by him.

R. France empowered to give new bond.
By whom bond to be approved.
Where to be deposited.
Upon approval of new bond old one to be delivered up.

Passed at Dover, March 6, 1861.

CHAPTER 102.

An Act concerning Shows in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring) as follows: SECTION 1. Sections 1 and 2

Sections 1 and 2 of Chapter 51 of the Revised

Code not to apply to the City of Wilmington. of Chapter 51 of the Revised Code shall not hereafter apply to the City of Wilmington.

City Council authorized to pass ordinances in relation to shows and exhibitions in Wilmington. SECTION 2. The City Council of the City of Wilmington is hereby authorized to pass ordinances to regulate shows, exhibitions and public representations of all kinds within the city, and to establish and receive for the use of the city all fees for licenses issued to the same.

Passed at Dover, March 6, 1861.

CHAPTER 103.

An Act to establish Inferior Courts in the several Counties of this State.

An inferior Court of Record and law established in the several counties of this State. Matters over which Court may have jurisdiction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (with the concurrence of two-thirds of all the members of both houses), That there shall be, and is hereby established in the several counties of this State, an Inferior Court of Record and of Law, and the same shall have and exercise exclusive jurisdiction (except as hereinafter provided) within their respective counties, of the criminal matters following, that is to say: assaults and batteries; keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualling house; retailing or selling without license wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors, contrary to law; disturbing camp-meetings held for the purpose of religious worship; disturbing other meetings held for the purpose of religious worship; nuisances; horse racing; cock fighting and shooting matches; larcenies committed by free negroes and mulattoes, and the offence of knowingly buying, receiving or concealing by free negroes and mulattoes stolen goods and things the subject of larceny, and of any free negro or mulatto being accessory to any larceny committed within the limits of their respective counties.

Name and style of the Court in the several counties.

SECTION 2. *And be it further enacted as aforesaid,* That the name and style of the said courts in and for the several counties shall be respectively as follows, that is to say: The name and style of the said court in and for New Castle County shall be "The Court of Quarter Sessions of New Castle County," the name and style of the said court in and for Kent County shall be "The Court of Quarter Sessions of Kent County," and the name style of said court in and for Sussex County shall be "The Court of Quar-

ter Sessions of Sussex County." And the same shall be composed and constituted as follows: The Associate Judge of the Superior Court of the State for the time being, residing in New Castle County, shall be the sole judge of said Court of Quarter Sessions of said county; the Associate Judge of said Superior Court for the time being residing in Kent County, shall be the sole judge of said Court of Quarter Sessions of said county, and the Associate Judge of said Superior Court for the time being, residing in Sussex County, shall be the sole judge of said Court of Quarter Sessions of said county. The place of holding the said courts in the said counties respectively, shall be the town of New Castle, in New Castle County, Dover, in Kent County, and Georgetown, in Sussex County. The terms of said court shall be quarterly, or four times a year, in each of said counties, and they shall be respectively held and commenced in each county, on the second Monday in July next, and the first Monday in October ensuing, and on the second Monday in January, and the first Monday in April, in each and every year thereafter. Each of said courts shall have and use a seal with the style of the said court and the coat of arms of the State engraved upon it. They may hold adjourned terms or adjourn to another place if occasion or emergency shall require it. And if the judge of either of said courts should be unavoidably absent at any time, the Clerk of the Court shall have authority to open and adjourn the same from time to time to a future day, or to the term in course, as may be most expedient under the circumstances.

How the Court shall be constituted and composed.

Place of holding the Court in the several counties. Terms of the Court.

When held.

Seal of the Court.

Court may hold adjourned terms. If the Judge be absent, the Clerk may adjourn the Court.

SECTION 3. *And be it further enacted,* That the courts established by this act shall have and exercise cognizance and jurisdiction as aforesaid of the several criminal matters and offences hereinbefore mentioned, committed within the limits of their respective counties, and shall have, in relation to each and every of said offences, all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery, so far as the same may be applicable to the tribunals hereby created, and as fully and completely as if the same were incorporated and mentioned in this act. Process may issue out of said court in either county, and they shall have authority to punish for contempt and to make all necessary rules for the expedition of business.

Court hereby established to have the same powers in relation to the matters cognizable before it, as the Court of General Sessions of the Peace and Jail Delivery.

May punish for contempt and make rules for expediting business.

SECTION 4. *And be it further enacted,* That all prosecutions and proceedings in said courts shall be by criminal information filed *ex officio* by the Attorney General in the name of the State, or in his name by his deputy, and without indictment by Grand Jury. The information shall be in the usual form of such proceedings for a misdemeanor at common law, with such averments as may be necessary to adapt it to the cases of felony hereinbefore mentioned. All the requisites of an indictment shall be observed in stating the charge, and the circumstances of the offence shall be

Prosecutions and proceedings to be by criminal information by the Attorney General without indictment. Form and requisites of the information.

How the information shall conclude.

To be signed by the Attorney-General, or his deputy.

Name of prosecuting witness to be endorsed.

Costs, by whom paid.

On conviction of accused, the Court to pronounce the sentence, and enforce its execution

alleged with the like precision and accuracy. The charge shall conclude with the words "against the form of the statute in such case made and provided (when the offence is prohibited by statute) and against the peace and dignity of the State." Every information filed in said court shall be signed by the Attorney General or his deputy, and the name of the prosecuting witness shall be endorsed on the back thereof, and his legal liability for malicious prosecution shall be the same as if the proceedings were by indictment. And if the prosecution fails the county shall pay the costs. On the conviction of the accused, the said courts shall proceed to pronounce the same judgment and sentence, and to execute and enforce the same in like manner as is now prescribed by law on conviction for the said offences in the Court of General Sessions of the Peace and Jail Delivery.

Pleadings and proceedings to be the same as in the Court of General Sessions of the Peace and Jail Delivery except as to indictment. Trial to be by jury. Jury to consist of six men. Mode of selecting the jurors who are to serve at said Court. Fifteen jurors to be selected to serve at the Court.

Court may quash the panel, award *tales de circumstantibus*, and supply any deficiency in relation to the jurors.

Manner of drawing the jury at trial.

Court may, in its discretion, allow twelve persons to sit

SECTION 5. *And be it further enacted,* That the pleadings and proceedings in said courts shall be conducted in like manner in all respects (except by indictment of a Grand Jury) as they are now conducted in the Court of General Sessions of the Peace and Jail Delivery in such cases. And the mode of trial shall be by Petit Jury, at the bar of the court, of six sober and judicious persons, qualified by law to be jurors in any other court in this State. And for this purpose the Prothonotary and Clerk of the Peace in each county shall, at least fifteen days before the commencement of each term of said courts, draw from the boxes provided for by law, marked Quarter Sessions Jurors, in the same proportions for each hundred, as near as may be, in which they were selected by the Levy Court, the names of fifteen persons as Petit Jurors at the ensuing term of said court in said county, and all the provisions, exemptions, substitutions and directions required to be observed on the part of the said officers, the Recorder and Sheriff of the county, by Chapter 109 of the Revised Statutes, and by the laws of the State, shall be observed and performed by the said officers respectively, in regard to the terms of the courts hereby established. And the said courts shall have all the powers vested by law in any other court of this State to quash the panel returned by the Sheriff, award a *tales de circumstantibus*, or make such other order as it may deem expedient for filling up the requisite number of jurors to serve at such court, and for supplying any deficiency of said jurors when by reason of challenges or otherwise a sufficient number are not ready for the trial of any case. The manner of drawing a jury for the trial of a case in said courts shall be the same as in the other courts in all respects, and as is provided for in the said Chapter of the Revised Statutes before referred to, and the six persons first drawn, appearing, allowed and being sworn or affirmed, shall be the jury to try the case. *Provided, nevertheless,* That it shall be in the power and discretion of the said courts, at any time before trial, on the application of the accused, to order that the case shall be tried by a jury of

twelve instead of six persons, if the justice and importance of the case, or character or rights of the parties shall appear to render it expedient. If any person summoned as a juror shall fail to attend as a juror at any of the said courts, or to answer to the call of his name by order of the court at any time, he shall forfeit his fees for the days attendance, or pay a fine not exceeding five dollars, at the discretion of the court, for the use of the county. The fine may be remitted by the court on a proper excuse shown. The party accused shall have a right to challenge three jurors peremptorily, but no more, except for cause.

as jurors on a trial.

Penalty on juror neglecting to attend or failing to answer to his name. Court may remit the fine.

Accused may challenge three jurors peremptorily.

Clerk of the Peace to be the Clerk of said Court. To provide proper books and records for the Court. His duties as such Clerk.

SECTION 6. *And be it further enacted*, That the Clerk of the Peace of the county shall be the Clerk of the said court of the county, and provide the necessary books and dockets therefor, which shall be paid for by the county, and shall have custody of the seal and records thereof, and as such Clerk he shall perform all the duties and services in relation to said court, so far as the same may apply, which he is required by law to perform in regard to the Court of General Sessions of the Peace and Jail Delivery, and for any breach of said duties he shall be liable to the same penalties thereby imposed. The Sheriff of the county shall attend the said court of the county, either in person or by his deputy, and for any breach of duty by this [act] enjoined upon him he shall be subject to the like penalties as aforesaid.

Liability for any breach of his duty. Duties of Sheriff.

SECTION 7. *And be it further enacted*, That in cases of binding parties or witnesses to answer or appear as provided for in Section 8 and 19 of Chapter 97 of the Revised Statutes of this State, if the offence be cognizable before the Court of Quarter Sessions of the county as herein provided, the Justice of the Peace or Judge, taking the recognizance, shall substitute in the form prescribed in said first mentioned Section, the words "the next Court of Quarter Sessions" in lieu of the words "the next Court of General Sessions of the Peace and Jail Delivery;" and every Justice of the Peace shall deliver to the Clerk of the Peace of his county, ten days before the next term of the Court of Quarter Sessions of said county, if said term shall not sooner occur, and if so, then at the next term of the said court, all recognizances, examinations and depositions taken by him touching any matter cognizable by this act before said court. And the Justice of the Peace shall endorse on each recognizance by him taken, the name of the party defendant, the names of the material witnesses, the offence charged, and the time of its commission.

Form to be adopted in case of binding parties or witnesses to appear at said Court. Recognizances, examinations and depositions in relation to any charge cognizable before the Court, taken by any Justice of the Peace to be by him returned to the Clerk of the Peace. What the Justice is required to indorse on the recognizance

SECTION 8. *And be it further enacted*, That if, upon the trial of any case hereinbefore provided for in said Courts of Quarter Sessions, the accused shall be dissatisfied with the decision of the court in regard to the admission or rejection of a witness or of any evidence, or with the charge made to the jury, or a point of law duly made, or with the refusal of the court to charge the jury

Right of appeal.

Court of General Sessions to said Court to decide upon the point objected to.

If the matter objected to be affirmed, the inferior Court to pronounce sentence.

If the accused have given sufficient bail, the recognizance to be respited.

If the accused be in custody, not to be discharged without giving bail.

Who may take bail. Motion for arrest of judgment, or new trial allowed.

Powers and jurisdiction of the Court of General Sessions of the Peace and Jail Delivery in regard to the offences enumerated vested in and transferred to the Court of Quarter Sessions.

on a point of law duly made, and he shall be convicted, he may submit an objection thereto on such ground, and the exception being reduced to writing before sentence, with all matters requisite for understanding the same, and signed by the Judge, the case may be removed by "*certiorari*" into the Court of General Sessions of the Peace and Jail Delivery for the county at the next term, so far as to enable the said court to hear the question of law made as aforesaid, to review the decision or charge made by said Court of Quarter Sessions, and to affirm, reverse or over-rule the same, as to the said Court of General Sessions of the Peace and Jail Delivery shall seem meet and proper, and according to the law in the premises, and which the said court shall do without delay, and certify the same back to the Court of Quarter Sessions. If the matter objected to be affirmed, sentence shall be pronounced by said Court of Quarter Sessions at the next term thereafter, but if it be reversed or over-ruled, the accused shall be discharged without costs, or be remanded for further trial at the next term of the Court of Quarter Sessions, as the said Court of General Sessions of the Peace and Jail Delivery shall deem proper. If there be sufficient bail for the accused, when the exception is taken, the recognizance shall be respited until the ensuing term of the said Court of Quarter Sessions after the following term of the said Court of General Sessions of the Peace and Jail Delivery in said county, and if the accused be in the custody of the Sheriff, he shall not be discharged after the exception is taken and signed by the Judge, without sufficient bail for his appearance at the term of the said Court of Quarter Sessions next following the next term of said Courts of General Sessions of the Peace and Jail Delivery. Any officer authorized by law to take bail in criminal cases, shall have authority to take such bail. But nothing in this Section contained shall be construed to preclude a motion in arrest of judgment, or for a new trial in said Court of Quarter Sessions, provided the same be made before the exception is taken and signed by the Judge as aforesaid.

SECTION 9. *And be it further enacted,* That the jurisdiction and powers heretofore vested in the Court of General Sessions of the Peace and Jail Delivery, by any law of the General Assembly of of this State in regard to the offences of keeping without license a public house of entertainment, tavern, inn, ordinary or victualing house; retailing or selling without license, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors contrary to law, are hereby vested in the said Court of Quarter Sessions in the county wherein such offences shall be committed in like manner as the same are now vested by law in the Court of General Sessions of the Peace and Jail Delivery, except that the prosecution and trial for said offences in the said Courts of Quarter Sessions shall be as before prescribed by this act, and the said Court of General Sessions of the Peace and Jail Delivery shall have and exercise no

jurisdiction, appellate or otherwise, in relation to the offences in this Section enumerated, but the same shall be had and exercised by the Court of Quarter Sessions of the County as aforesaid.

SECTION 10. *And be it further enacted,* That all cases of binding to surety of the Peace, shall be returned to and heard before the courts hereby established in the several counties, and every recognition taken in such cases shall be endorsed by the Justice of the Peace taking it, "Peace Recognizance" and the names of the parties, complainant and respondent, shall also be endorsed by him upon it.

Cases of binding to the peace to be heard by the Court of Quarter Sessions.

SECTION 11. *And be it further enacted,* That the fee of the Attorney General for drawing and filing an information under this act shall be two dollars, and all his other fees, as well as the fees for the service of jurors and attendance of witnesses, and the fees of all the officers for services and attendance in and about the said courts hereby established, shall be such as are allowed by law for the same or similar services in the Court of General Sessions of the Peace and Jail Delivery.

Fees to the Attorney General, jurors, witnesses, and officers of the Court.

SECTION 12. *And be it further enacted,* That the Attorney General and any deputy duly constituted by letter of appointment from the said Attorney General be, and they are hereby authorized to administer oaths and affirmations to witnesses at any time, as well in vacation as in open session of the court. No information shall be filed in any case, except upon oath or affirmation of one or more competent witnesses.

Attorney General, or his deputy, may administer oaths. No information to be filed except upon oath of one or more witnesses.

SECTION 13. *And be it further enacted,* That nothing in this act contained shall in any wise affect the jurisdiction of the Mayor's Court for the City of Wilmington over matters now or hereafter made cognizable before it, so far as relates to offences committed within the limits of said city.

Mayor's Court of Wilmington not to be affected by this act.

SECTION 14. *And be it further enacted,* That this act shall take effect in the several counties of the State, from and after the next term of the Court of General Sessions of the Peace and Jail Delivery in the respective counties. But indictments already pending in said court, or that may be found at the next term thereof, for offences cognizable before the Court of Quarter Sessions under the provisions of this act, and all such cases returned or commenced in the Court of General Sessions of the Peace and Jail Delivery before the close of the next term thereof as aforesaid, shall be tried and disposed of in said court as heretofore.

When act to go into effect. Indictments proceeding or those that may be found at the next term of the Court of General Sessions of the Peace and Jail Delivery to be tried in said Court.

Passed at Dover, March 6, 1861.

CHAPTER 104.

An Act to prevent Swine running at large within certain limits of Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the provisions of Section 4, Chapter fifty-eight, of the Revised Statutes shall, after the passage of this act, extend to that part of Kent County within the limits of School District number sixteen.

Swine prohibited from running at large in School District No. 16, in Kent County.

Passed at Dover, March 6, 1861.

CHAPTER 105.

An Act enabling Constables whose term of office has expired to proceed on writs remaining in their hands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall and may be lawful for any Constable, whose term of office has expired, to proceed on writs of *fieri facias* or *venditioni exponas* remaining in their hands, as the plaintiff in the execution may elect, but for no longer time than the said writs were made returnable to the office from whence the same were issued, and all proceedings had by virtue thereof shall be valid in law.

Constables whose term of office has expired may proceed upon writs remaining in their hands.

Passed at Dover, March 6, 1861.

CHAPTER 106.

An Act to amend Chapter 36, Section 4, of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 4 of Chapter 36 of the Revised Statutes of the State of Delaware be, and the same is hereby amended, by striking out from line 2 of said Section the words, "not exceeding three in any City or County."

Section 4 of Chapter 36 of Revised Code amended. How amended.

Passed at Dover, March 6, 1861.

CHAPTER 107.

An Act to amend the Act entitled, "An Act Regulating the sale of Intoxicating Liquors, &c.," passed at Dover, March 3, 1857.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows: SECTION 1. The act entitled, "An act regulating the Sale of Intoxicating Liquors, &c.," passed at Dover, March 3, 1857, is hereby amended as follows, viz: By inserting in Section 2 of said act, after the word "to," and before the word "issue," the words, "lay the application before the Grand Jury for the county at the next or then present term of the Court of General Sessions. If a majority of the Grand Jury shall approve the granting of the license to the applicant, the foreman shall endorse upon the said application the word 'granted,' and sign his name thereunder as foreman, whereupon the Clerk of the Peace shall" Also at the end of said Section 2 add the following words, "If no license be granted to the applicant, the fee therefor shall be returned."

Del. Laws,
11th Vol.,
page 493.

Section 2 of
original act
amended.
Application
to be laid
before the
Grand Jury.
If a majority
of Grand
Jury ap-
prove, li-
cences to be
granted.
If no license
granted the
fee to be re-
turned.

SECTION 2. The words "a quart," in the 14th line of Section 8 are hereby stricken out, and the words "one gallon" are hereby inserted in lieu thereof.

Section 3
amended.

SECTION 3. The twelfth and thirteenth sections of said act are hereby repealed.

Sections 12
and 13 re-
pealed.

SECTION 4. The words "as hereafter provided," in line 11 of Section 4 of said act, the same words in the seventh and eighth lines of Section 8 of said act, the same words in line 9 of Section 9 of said act, the same words in line 11 of Section 10 of this [said] act, and the words "hereafter provided," in lines 12 and 13 of Section 11 of said act, are hereby stricken out of said Sections respectively, and the words "by indictment" are hereby inserted in lieu thereof.

Sections 4,
8, 9, 10 and
11 amended
by striking
out the
words "as
hereafter
provided,"
and insert-
ing the
words "by
indictment."

SECTION 5. All that part of Section 5 of said original act, occurring after the word "obtained," in the second line thereof, is hereby stricken out, and the following inserted in lieu thereof: "from the Clerk of the Peace a license for that purpose, to be issued upon the recommendation of the Grand Jury, given under the hand of the foreman."

Section 5 of
original act
amended.
How amend-
ed.

SECTION 6. All that part of Section 7 of said original act, occurring after the word "from," in the second line thereof, down to the word "purpose," in the sixth and seventh lines thereof inclusive, are hereby stricken out, and the following words are hereby inserted in lieu thereof, viz: "the Clerk of the Peace for that purpose, to be issued upon the recommendation of the Grand Jury, given under the hand of the foreman,"

Section 7 of
original act
amended.
How amend-
ed.

SECTION 7. Amend Section 4 of this [said] act, by striking out

Section 4
amended.

How amended. said Section to the words "quart or," in the fourth line inclusive, and inserting the words, "no person having license to sell intoxicating liquors, under the provisions of Section 2, shall have authority to sell such liquors by any measure less than a quart, and no person having license to sell intoxicating liquors under Section 3 shall have authority to sell such liquor in any quantity less than one gallon, and no person having license under either of said Sections shall have authority"

Section 2 amended. SECTION 8. Amend Section 2, in the seventh line, by striking out the word "application," and inserting "applicant" in lieu.

Section 6 amended. SECTION 9. Amend Section 6 by striking out the word "to," occurring lastly in the 29th line thereof, and inserting "by" in lieu thereof.

Persons having license required to hang up the same in a conspicuous place in the bar-room or store. SECTION 10. It shall be the duty of all persons having a license to sell intoxicating drink to hang the said license in a conspicuous place in the bar room or store, and if not so found, it shall be evidence that such parties have no license.

Passed at Dover, March 6, 1861.

CHAPTER 108.

*An Act Regulating the Sale of Intoxicating Liquors, &c.—AS AMENDED.**

Sale of liquor prohibited except by law. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* SECTION 1. No person shall by himself, his servant or agent, directly or indirectly, sell any intoxicating liquors, except as hereinafter provided.

Retailers of goods, wares, etc., may sell in what quantity, and how licensed. SECTION 2. Any free white citizen of this State, who is of the age of twenty-one years or upwards, and is a licensed retailer of goods, wares and merchandise, and the aggregate cost value of whose stock on hand is not less than three hundred dollars, may apply to the Clerk of the Peace of the county in which he may reside, for a license to sell intoxicating liquors in quantities not less than a quart. And upon the applicant for such license paying to the said Clerk of the Peace a fee of twenty dollars for the

* Although not required to republish this act as amended, yet from the importance of the amendments, and the general nature of the act, I have assumed the responsibility to do so.

EDWARD RIDGELY, *Secretary of State.*

use of the State, it shall be the duty of the said Clerk of the Peace to lay the application before the Grand Jury for the county at the next or then present term of the Court of General Sessions. If a majority of the Grand Jury shall approve the granting of the license to the applicant the foreman shall endorse upon the said application the word "granted," and sign his name thereunder as foreman, whereupon the Clerk of the Peace shall issue a license, under his hand and the seal of the Court, to such retailer of goods, wares and merchandise. Any such retailer of goods, wares and merchandise, procuring such license as aforesaid, shall have full power and authority thereby to sell intoxicating liquors of all kinds and descriptions in any quantity not less than a quart; subject, however, to the provisions hereinafter mentioned. Any license issued under this Section shall be a separate and special license for that particular privilege and no other, and shall state that the fee of twenty dollars is paid, and that the applicant therefor is a licensed retailer of goods, wares and merchandise, the aggregate cost value of whose stock on hand is not less than three hundred dollars. The license shall authorize the selling of intoxicating liquors only at one place, and only for one year from the day on which it was issued. The Clerk of the Peace shall require any applicant for such license as aforesaid, to make an oath or affirmation that he is a licensed retailer of goods, wares and merchandise, and that the aggregate cost value of his stock on hand is not less than three hundred dollars, and any one making a false oath or affirmation in the premises, shall be subject to all the pains and penalties of wilful and corrupt perjury. The fee to the Clerk of the Peace for issuing such license aforesaid shall be one dollar, to be paid by the applicant therefor. If no license be granted to the applicant the fee therefor shall be returned.

Application to be laid before the Grand Jury. If a majority of Grand Jury approve, license to be granted.

SECTION 8. Any free white citizen of this State, who is of the age of twenty-one or upwards, who may desire to sell intoxicating liquors exclusive of any other goods, wares and merchandise, may apply to the Clerk of the Peace of the county in which he may reside for a license to sell the same, and upon the applicant for such license paying to the said Clerk of the Peace a fee of fifty dollars for the use of the State, it shall be the duty of the said Clerk of the Peace to issue a license under his hand and the seal of the Court, for the sale of intoxicating liquors to such applicant who may desire the same, exclusive of any other goods, wares and merchandise. The person procuring such license as last aforesaid, shall have full power and authority thereby to sell intoxicating liquors of all kinds and descriptions, in any quantity not less than one gallon, subject, however, to the provisions hereafter mentioned. The license issued under this section shall be a special license for that particular privilege and no other, and shall state that the fee of fifty dollars is paid, and that the applicant therefor desires to sell intoxicating liquors exclusive of any other

Licensee to sell intoxicating liquors alone—how obtained.

goods, wares, and merchandise, and shall authorize the selling of intoxicating liquors only at one place, and only for one year from the day on which it was issued. The fee to the Clerk of the Peace for issuing such license as last aforesaid shall be one dollar, to be paid by the applicant therefor.

Quantities
persons
having li-
cense may
sell.

Restrictions
as to sale.

Penalty for
first viola-
tion.

Second.

Third.

Tavern li-
censes, how
obtained.

Petition for
tavern li-
censes; ne-
cessary
statements.
Fees for li-
cense; how
graded.

SECTION 4. No person having license to sell intoxicating liquors, under the provisions of Section 2, shall have authority to sell such liquors by any measure less than a quart, and no person having license to sell intoxicating liquors under Section 3 shall have authority to sell such liquor in any quantity less than one gallon, and no person having license under either of said sections shall have authority to sell intoxicating liquors to any person when drunk, or knowingly to sell intoxicating liquors to any minor, or to any slave, or shall suffer or permit any intoxicating liquors, which he has sold, to be drunk in his store-house or its dependencies, or shall suffer any disorderly persons to remain in his store-house or its dependencies; and any such person having license as aforesaid, violating either of the provisions of this section shall, upon conviction thereof by indictment, forfeit and pay for the first offence a fine of five dollars besides costs, and in default of payment thereof shall be imprisoned not less than one or more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for the third offence shall forfeit and pay a fine of ten dollars besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days, and such third conviction shall *ipso facto* work a forfeiture of his license, and the offender shall not be re-licensed for the term of one year from the time of such third conviction.

SECTION 5. No person shall keep a tavern without having first obtained from the Clerk of the Peace a license for that purpose, to be issued upon the recommendation of the Grand Jury, given under the hand of the foreman.

SECTION 6. The petition for such recommendation shall state the intention of the petitioner to keep a tavern with or without the sale of intoxicating liquors, and the license shall conform thereto. The fees for a license with a privilege to sell intoxicating liquors shall be as follows: to any person who owns or occupies a house and premises the assessed value of which shall be less in amount than the sum of fifteen hundred dollars, the sum of twenty dollars; to any person who owns or occupies a house and premises the assessed value of which is fifteen hundred dollars, and less than three thousand dollars, the sum of twenty-five dollars; to any person who owns or occupies a house and premises the assessed value of which is three thousand dollars, and less than forty-five hundred dollars, the sum of thirty dollars; to any

person who owns or occupies a house and premises the assessed value of which is forty-five hundred dollars, and less than six thousand dollars, the sum of thirty-five; and to any person who owns or occupies a house and premises the assessed value of which is six thousand dollars and over, the sum of fifty dollars; for a license without such privilege the sum of five dollars. Any person procuring such license with the privilege to sell intoxicating liquors shall have full power and authority thereby to sell intoxicating liquors in any quantity, subject, however, to the provisions hereafter mentioned. Such license shall continue in force for one year only from the day on which it is issued: *Provided*, That if a house be duly licensed, and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house under said license until the end of the next term of said Court in the county. The fee to the Clerk of the Peace for issuing such license shall be one dollar, to be paid by the applicant therefor.

Authorized
to sell in any
quantity.

SECTION 7. No person shall keep an ale-house or victualling house without a license from the Clerk of the Peace for that purpose, to be issued upon the recommendation of the Grand Jury, given under the hand of the foreman. The fee for such license shall be ten dollars for the use of the State, and one dollar to the Clerk of the Peace for the issuing thereof; such license shall continue in force for one year only from the day on which it was issued, provided that if such a house be duly licensed, and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house under said license until the expiration of the year for which it was granted. No license to keep an ale-house or victualling house shall authorize the sale of any intoxicating liquors except ale or other malt liquors; and the person procuring a license to keep an ale-house or victualling house under the provisions of this section shall have full power and authority thereby to sell ale and other malt liquors, subject, however, to the provisions hereafter mentioned.

Licenses to
keep an ale
house; how
obtained.

Fee, when
paid.

SECTION 8. No person having a license to keep a tavern, ale-house, or victualling house, under the provisions of the foregoing section, shall have authority thereby to sell intoxicating liquors to any person when drunk, or knowingly to sell intoxicating liquors to any minor, or to any slave. And any such keeper of a tavern, ale-house, or victualling house, violating either of the provisions of this section, shall upon conviction thereof, by indictment, forfeit and pay for the first offence a fine of five dollars, besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars, besides costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for the third offence shall forfeit and pay a fine of ten dollars, beside costs, and

Sale of intoxicating
liquors by
tavern and
ale house
keepers restricted;
how.
Penalties for
violation.

in default of payment thereof shall be imprisoned not less than five nor more than thirty days, and such third conviction shall *ipso facto* work a forfeiture of his license, and the offender shall not be re-licensed for the term of one year from the time of such third conviction.

Tippling prohibited. SECTION 9. If any tavern-keeper, or the keeper of any ale-house, or victualling house, shall suffer any person to continue drinking and tippling in his house at unseasonable hours of the night, or shall suffer any disorderly person to remain in his house; **Gaming also** or shall knowingly suffer any game upon which any thing of value is betted or hazarded, to be played in his house or its dependencies, or if the keeper of any ale-house, or victualling house, shall sell any intoxicating liquors, except ale, or other malt liquors, he shall upon conviction thereof, by indictment, forfeit and pay for the first offence a fine of five dollars, besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for the second offence shall forfeit and pay a fine of ten dollars, besides costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for a third offence shall forfeit and pay a fine of ten dollars, besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days, and such third conviction shall also *ipso facto* work a forfeiture of his license, and he shall not be re-licensed for the term of one year from the time of such third conviction.

Distillers and manufacturers authorized to sell—how. SECTION 10. Nothing in this act contained shall be deemed and taken to forbid or prevent any person from distilling or manufacturing into intoxicating liquors any fruit or grain, the products of his own soil, or of which he may be possessed, or fruit which he may purchase, and from selling the same by any measure not less than a quart, without a license therefor: *Provided*, however, that if any person distilling or manufacturing intoxicating liquors, from fruit or grain, the product of his own soil, or of which he may be possessed, shall sell any intoxicating liquor by any measure less than a quart, such person shall upon conviction thereof, by indictment, forfeit and pay for the first offence a fine of five dollars, besides costs, and in default of payment thereof shall be imprisoned not less than one nor more than ten days; and for a second or any subsequent offence shall forfeit and pay a fine of ten dollars, besides costs, and in default of payment thereof shall be imprisoned not less than five nor more than thirty days.

Penalty for selling without license. SECTION 11. If any person shall keep a tavern, ale-house, or victualling house, without a valid license, as required by this act, or if any person other than the distiller or manufacturer of intoxicating liquors from fruit or grain, the products of his own

soil, or of which he may be possessed, as mentioned in the preceding section of this act, shall, without having a valid license therefor as prescribed by this act, sell any intoxicating liquors by a measure of a quart or upwards, or if any person not being a licensed tavern-keeper, keeper of ale-house or victualling house, with the privilege of selling intoxicating liquors under the provisions of this act, shall sell any intoxicating liquors by any measure less than a quart, such persons shall, upon conviction thereof, by indictment, forfeit and pay for the first offence a fine of ten dollars, besides costs, and in default of payment thereof shall be imprisoned not less than three nor more than twenty days; and for a second or any subsequent offence shall forfeit and pay a fine of twenty dollars, besides costs, and in default of payment thereof shall be imprisoned not less than ten nor more than forty days.

SECTION 12. No license issued or granted under any of the provisions of this act shall confer power or authority to sell intoxicating liquors on the Lord's day, commonly called Sunday. Sale on Sunday prohibited.

SECTION 13. If any person shall sell intoxicating liquors by any measure whatever on the Lord's day, commonly called Sunday, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall for every such offence be fined twenty dollars besides costs. The term Lord's day or Sunday, as used in this act, shall be construed to embrace the space of time included between the hour of twelve o'clock of the night preceding, and the hour of twelve o'clock of the night succeeding the day commonly called Sunday. Penalty for selling on the Sabbath. Term Sunday; meaning.

SECTION 14. The term intoxicating liquors as used in this act, shall be construed to mean, extend to and include any vinous, spirituous, malt or brewed liquors or any admixture thereof, and all liquors that can intoxicate, and are adapted to use as a beverage. Intoxicating liquors; meaning.

SECTION 15. In any proceedings for a violation of any of the provisions of this act, it shall not be necessary to specify or prove the precise kind of liquor which is the subject of the charge; but to allege it as intoxicating liquor only, and proof of the unlawful act charged in relation to any such liquor shall be deemed sufficient, although the particular kind may not be able to be shown. Not necessary to prove the kind of liquor in a prosecution for illegal sale.

SECTION 16. All fees for licenses taken out under the provisions of this act, (except the fee of one dollar to the Clerk of the Peace for the issuing thereof,) shall go into and constitute a part of the school fund of this State, and in all future dividends among the school districts in this State, the same shall be divided and apportioned according to the laws in force for the division of other funds devoted to that object. Fees arising from licenses appropriated to school fund.

SECTION 17. All fines and forfeitures which accrue and be re-

Fines and forfeitures to the Treasurer of the Poor.

ceived under the provisions of this act, shall be paid over, by the officer receiving the same, to the Treasurer of the Poor of the county, wherein such convictions were had for the use of the poor of the county.

Persons having license required to hang up the same.

SECTION 18. It shall be the duty of all persons having a license to sell intoxicating drink, to hang the said license in a conspicuous place in the bar-room or store, and if not so found, it shall be evidence that such parties have no license.

Inconsistent acts repealed

SECTION 19. All acts and parts of acts inconsistent with or supplied by this act, or any of its provisions are hereby repealed.

Secretary of State to publish this act for one month in all the newspapers of the State.

Expense, how paid.

SECTION 20. The Secretary of State shall cause this act to be published in all the newspapers of this State, for the space of one month from its passage, and shall certify to the Governor the publication of the same, the sum due therefor, stating all items of charge by each of the newspapers, and the Governor shall, upon the reception of such certificate, draw orders on the State Treasurer for the payment of the said publication, and the State Treasurer shall pay the same out of any moneys in the Treasury, not otherwise appropriated.

Passed at Dover, March 3, 1857.

Amended March 6, 1861.

CHAPTER 109.

An Act to amend Chapter 109 of the Revised Statutes.

Chapter 109 of Revised Code amended by striking out section 2 of said chapter.

Jurors, how selected. Levy Court in March to select.

Names. 100 Grand Jurors.

150 Petit Jurors.

120 Jurors for the Court of Quarter Sessions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 109 of the Revised Statutes, entitled "Of Juries" be, and the same is hereby amended, viz: By striking out all of Section 2 of said Chapter, and inserting in lieu thereof as follows, to wit: "SECTION 2. The Levy Court for each county shall, at its annual session in March, select from the list of taxable citizens of such county, in such proportion for each hundred as may be deemed proper, the names of one hundred sober and judicious persons, to serve (if summoned) as Grand Jurors at the several courts to be holden in that year; and also the names of one hundred and fifty other sober and judicious persons, to serve (if summoned) as Petit Jurors at the several courts, other than the Courts of Quarter Sessions, to be holden in that year; and also the names of one hundred and twenty other sober and judicious persons to serve (if summoned)

as jurors at the Court of Quarter Sessions to be holden in that year. There shall be provided for each hundred three boxes, one of which shall be marked or labelled "Grand Jurors," another "Petit Jurors," and the other "Quarter Sessions Jurors," and each with the names of the hundred. The names of the persons selected as aforesaid, shall be written each on a separate ballot, all the ballots being of the same color, size and shape, and the ballots shall be folded so as to conceal the names written upon them. Those containing the names of persons selected for Grand Jurors shall be deposited in the boxes marked "Grand Jurors," the names selected from each hundred being placed in the box of that hundred; in like manner the names of persons selected for Petit Jurors shall be deposited in the boxes marked "Petit Jurors," the names selected from each hundred being placed in the box of that hundred; in like manner the names of persons selected for Quarter Sessions Jurors shall be deposited in the boxes marked "Quarter Session Jurors," the names selected from each hundred being placed in the box of that hundred; after which the boxes shall be locked and delivered to the Prothonotary, and the keys shall be kept by the Clerk of the Peace. The Levy Court shall preserve lists of the persons so selected for jurors, and shall deliver to the said Prothonotary, with the boxes aforesaid, copies of said lists signed by the Chairman of said court, and countersigned by the Clerk thereof, showing the number selected from each hundred.

Three boxes to be provided. Now marked. Ballots.

Where to be deposited.

Boxes to be locked. To be delivered to the Prothonotary. Keys to be kept by Clerk of the Peace.

Passed at Dover, March 7, 1861.

CHAPTER 110.

[An Act to enable the Recorder of Deeds of New Castle County to keep an Assignment Record.]

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, SECTION 1. That it shall be the duty of the Recorder of Deeds in and for New Castle County to keep an Assignment Record, in which shall be recorded the assignment of all mortgages and other instruments which are now by law recorded in his office.

The Recorder for New Castle County to keep an assignment record.

SECTION 2. The Recorder of Deeds in and for New Castle County is hereby directed to make an index of all the instruments recorded in this office, and which have been assigned from the year 1832; and it shall be his duty to make an index of all assignments, which shall be recorded in his office hereafter, and continue the same.

Index to assignment.

SECTION 3. The Levy Court of New Castle County is hereby

Compensation to the Recorder.

directed to pay the Recorder such sum as may be deemed reasonable for preparing such index from the year A. D. 1832, to the passage of this act.

Fees to Recorder for recording assignments

SECTION 4. The Recorder is hereby allowed to make such charge for the recording of assignments as he is now by law authorized to charge for recording deeds.

When this act to go into effect.

SECTION 5. This act shall take effect and be in force from and immediately after its passage.

Passed at Dover, March 7, 1861.

CHAPTER 111.

A supplement to An Act in relation to Public Roads and Highways in St. Georges and Appoquinimink Hundreds in New Castle County.

11th Vol. Del. Laws, page 639. Chapter 603, amended.

Amend the original act to which this is a supplement, to wit: "An Act in relation to Public Roads and Highways in St. Georges and Appoquinimink Hundreds in New Castle County," being Chapter 603 of the 11th volume of the Laws of Delaware, as follows, to wit:

Section 3, how amended.

Amend the third Section of said Chapter 603 by striking out of said third Section, the concluding part thereof, which is in the words following, to wit: "with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads respectively, for the term of years approved of and designated as provided for in Section 2nd of this act."

Section 4, how amended.

Amend the fourth Section of said Chapter 603 by striking out in the eleventh and twelfth lines of said fourth Section the words following, to wit: "but no section shall be sold for more than the sum estimated thereon by the Road Commissioners."

Additional section.

And further amend said Chapter 603 by adding thereto the following as Section eleven of said Chapter 603, viz: SECTION 11. If any Road Commissioner in New Castle County, where the roads are farmed out in the several hundreds in said county, shall fail to carry this law into effect, or refuse to sell said road as the law prescribes, they shall be fined in a sum not exceeding fifty dollars, to be collected under the laws of this State, and to be paid to the Treasurer of said New Castle County.

Road Commissioner refusing to comply.

Penalty.

Passed at Dover, March 7, 1861.

CHAPTER 112.

A Supplement to the act entitled "An Act to amend Chapter 73 of the Revised Code," entitled of the City of Wilmington, passed at Dover, February 28, 1861.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,) as follows: SECTION 1. The first Section of Chapter 73 of the Revised Code, as amended by the act to which this is a supplement, is hereby stricken out, and the following inserted in lieu thereof: "SECTION 1. The City of Wilmington shall be bounded as follows: Beginning at the mouth of the Brandywine Creek, on the easterly side of the same, thence along the easterly and northeasterly side thereof about two and a half miles to the old ford above the head of the tide water, and continuing along said side of said creek about three thousand three hundred feet (3300) or until it reaches a point six thousand nine hundred and sixty-eight feet (6968) measured at right angles from the northerly side of Front street extended, thence north fifty-eight degrees west and parallel to Front street to a line intersecting Front street at right angles, at the distance of two thousand three hundred and thirty feet (2330) westerly from the centre of Broom street; thence along said line south thirty-two degrees west and parallel to Market street, six thousand nine hundred and sixty-eight feet, (6968) to the northerly side of Front street extended, (2330 feet westerly from the centre of Broom street); thence continuing the same course over Front street to a point sixteen hundred and ninety feet (1690) from the southerly side thereof; thence south fifty-eight degrees east and parallel to front street to a stone marked No. 1 at the southerly side of the Christiana River; thence continuing down that side of the same to the River Delaware; thence crossing to the northerly point of the Christiana at its mouth; thence up that side of the same to the place of beginning."

Ante page 103.
Section 1 of Chapter 73 as amended by act to which this is supplement stricken out. Limits of the city of Wilmington defined.

SECTION 2. The provisions of Sections three, four, five and six, of the act to which this is a supplement, are hereby extended to apply to the limits of the City of Wilmington established by this act.

Provisions of Sections 3, 4, 5 & 6 of act to which this is a supplement extended.

SECTION 3. The lines of School District No. 19 in New Castle County shall, for the term of seven years, for all school purposes, remain as the same now are; and all persons within said lines shall have their school privileges in the school of said district, and not in the public schools of Wilmington, and shall be assessed, and the property within said lines shall be assessed, for the term aforesaid, for the support of the school of said district in the same manner and to the same effect as before the passing of this act, and no school tax for the public schools of Wilmington shall be levied on said persons or property during said term.

Lines of School District, No. 19, in New Castle County to remain as at present for seven years for school purposes.

After the expiration of seven years, Board of Education of Wilmington to purchase the school-house in said district, No. 19. Proceeds, how applied.

SECTION 4. At the end of said seven years as aforesaid, the Board of Public Education of the City of Wilmington shall purchase from the School Commissioners of School District No. 19, the school-house belonging to said district, which by this act will be placed within the limits of the City of Wilmington, and pay for the same to the said School Commissioners for the benefit of that portion of said school district which is beyond the limits of the said city as extended by this act. Should said Board and said Commissioners be unable to agree upon a price for said school-house, the price shall be fixed by a reference to three disinterested persons chosen as is usual in cases of reference.

This act to be published

SECTION 5. This act shall be published among the acts of this session as hereby amended.

Passed at Dover, March 7, 1861.

CHAPTER 113.

A Supplement to the act entitled "An Act to authorize the making of a Public Road in Little Creek Hundred, Kent County and State of Delaware," passed at Dover, February 21, 1859.

Del. Laws, Vol. 11, page 687. Commissioners appointed to lay out road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* John Wooddall, Jonathan Woodley, Samuel York, Thomas Wilson and Pleasanton Hamm be, and they are hereby appointed Commissioners to go upon and cause to be surveyed and laid out the road as described in the bill entitled "An Act to authorize the making of a public road in Little Creek Hundred, Kent County and State of Delaware," passed at Dover, February 21, 1859; and the said Commissioners, or a majority of them, shall cause the same to be surveyed and laid out, and a plot of the same to be made, and shall return said plot together with their proceedings in the premises, to the Court of General Sessions of the Peace and Jail Delivery at its then next session, and shall assess any damages which may accrue to the owner or owners of any land through which said road shall pass, and shall return the same as a part of their proceedings to the court aforesaid; said damages to be allowed by the Levy Court of Kent County.

Plot to be made. To return their proceedings to the Court of General Sessions of the Peace. To assess damages. Damages, how paid.

When the proceedings are returned and approved by the Court.

SECTION 2. *And be it further enacted as aforesaid, That after* the said Commissioners shall have made their return to the Court aforesaid, and the said court shall have confirmed said return, the said road shall thenceforth be deemed and taken to be a State

road, and the same shall be made and opened as other State roads the road to be a public road.
are made and opened in Kent County.

SECTION 3. *And be it further enacted as aforesaid,* That each of Fees to Commissioners and Surveyor. the Commissioners in actual service shall receive for each day's attendance the sum of one dollar; and the Surveyor five dollars for the plot and two dollars for each day's attendance, to be allowed as the damages to be assessed by virtue of this act shall be.

SECTION 4. *And be it further enacted as aforesaid,* That the Commissioners and Surveyor to be sworn. Commissioners and Surveyor, before viewing the premises, shall be severally sworn or affirmed, as prescribed in Section 9 of Chapter 60 of the Revised Statutes in relation to roads and bridges.

Passed at Dover, March 7, 1861.

CHAPTER 114.

An Act to repeal an act entitled "A further supplement to the act entitled 'An act for the Encouragement of Internal Improvements in the State of Delaware,'" so far as the same relates to the Maryland and Delaware Railroad Company.

WHEREAS the sole object of the said act is to secure to the Preamble. State of Delaware the benefit of the appropriation made by the said State to the Maryland and Delaware Railroad Company, by requiring the said Company to give bond with security residing within the State, for the expenditure of that amount, on the part of its road lying within the limits of this State; and whereas, since the passage of the said act, the said Company have expended on the said portion of their road an amount greater than the cash value of said appropriation, and before the payment of the next installment by the State, will have expended an amount greater than the nominal value of the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the first, second and third Sections of the act passed by the General Assembly of Delaware, on the 25th day of February, 1859, Chapter 662, entitled "A further supplement to the act entitled 'An Act for the Encouragement of Internal Improvements in the State of Delaware,'" be, and the same are hereby repealed, when 1st, 2d, and 3d Sections, Chap. 662, 11th vol. Del. Laws repealed. When this act to go into operation. and so soon as the said Maryland and Delaware Railroad Company shall have completed their said road to the dividing line

between the State of Delaware and Maryland, and this act shall have no effect until the full and complete construction of said Railroad to the line aforesaid, after which time this act shall go into operation, and shall have full effect.

Passed at Dover, March 7, 1861.

CHAPTER 115.

An Act to authorize Daniel C. Godwin to straighten a certain Public Road in Milford Hundred, Kent County, Delaware.

D. C. Godwin authorized to straighten a certain public road
Part to be straightened

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Daniel C. Godwin be, and he is hereby authorized and empowered to straighten that portion of the public road leading from Milford to Frederica, where the same passes through the lands of said Daniel C. Godwin, beginning at a point in the centre of said public road at or near a corner for the heirs of Zedekiah Davis deceased, thence by the shortest and most direct line until it intersects the public road leading from Milford Neck to Frederica, at or near a certain bend in the last named road, west of a lot now occupied by Curtis Laws (n).

To be straightened at the expense of said D. C. Godwin.

SECTION 2. *Be it further enacted by the authority aforesaid,* That the road so straightened and put in good order for public travel at the expense of said Daniel C. Godwin, shall be a public road, and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Kent County.

Passed at Dover, March 7, 1861.

CHAPTER 116.

An Act to enable the Trustees of Delaware College to reconvey certain property in the Village of Newark.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) SECTION 1. That the Trus-

tees of Delaware College be, and they are hereby authorized and empowered to sell, convey and re-transfer the Academy lot of land, situate in the Village of Newark, together with the buildings and improvements thereon erected, and the appurtenances thereunto belonging, to the Trustees of Newark Academy; with the proviso nevertheless, that the said Trustees of Newark Academy shall use and appropriate the lot of land, with the buildings and improvements thereon erected, and the appurtenances thereunto belonging as aforesaid, for the purpose contemplated under the original charter of the said Academy.

Trustees of Delaware College authorized to sell and convey certain property. Proviso.

Passed at Dover, March 7, 1861.

CHAPTER 117.

An Act securing to Mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz:

SECTION 1. It shall and may be lawful for any person or persons having performed or furnished work and labor, or materials, or both, to an amount not* exceeding twenty-five dollars, in or for the erection, alteration, or repair of any building or structure, in pursuance of any contract, express or implied, with the owner of such building or structure, at any time within sixty days from the completion of said work and labor, or the furnishing of such materials, to file in the office of the Prothonotary of the Superior Court in and for the county wherein such building or structure is situated, a bill of particulars of his claim, accompanied with an affidavit setting forth that the defendant is justly indebted to the plaintiff in a sum exceeding twenty-five dollars, and has refused or neglected to pay, or secure to be paid, to said plaintiff the amount due on his claim. Said affidavit shall contain a description of the property upon or for which the work and labor, or materials were furnished, sufficiently accurate to identify the property, and any judgment obtained thereon, as hereinafter provided, shall become a lien upon said building or structure, and the real estate upon which the same is situated, erected, or constructed, and shall relate back to the day upon which said work and labor was begun, or the furnishing of said materials was commenced, and shall take priority accordingly.

Lien on building, &c., how obtained.

Bill of particulars. Affidavit.

Judgment.

To what time lien shall relate back.

SECTION 2. Upon the filing of such claim as aforesaid, a sum-

Filing of claim.

* So in enrolled copy.

Summons. mons shall be issued by the Prothonotary, as in an action of assumpsit, for work and labor or materials furnished. If such claim be so filed, as aforesaid, ten days before the first day of the term of the Superior Court, to which the said process is returnable, judgment by default may be entered upon motion by the plaintiff on the last day of the term to which said process is returnable, notwithstanding appearance by the defendant, unless said defendant shall have previously filed in the cause an affidavit stating that he verily believes there is a legal defence to the whole or part of such cause of action, and setting forth the nature and character of the same, and if the defence be to a part only, then specifying the sum really due, and judgment may be entered for the plaintiff, at his election, for the sum acknowledged to be due.

Judgment by default. When rendered.

The defendant may file counter affidavit.

Proceedings thereon. If such claim be not so filed as aforesaid, ten days before the first day of said term, to which said summons is returnable, or if judgment shall not be so entered by default as aforesaid, then like proceedings shall be had as in other cases of assumpsit.

"The Mechanics Lien Docket." SECTION 3. It shall be the duty of the Prothonotary in each county of this State to procure and keep a docket, to be called "The Mechanic's Lien Docket," in which he shall make an entry of each claim so filed as aforesaid, setting down therein the names of the parties, plaintiff and defendant, the amount claimed, the day upon which the claim is filed, and of the issuing of the summons, a description of the property against which the claim is sought to be charged, the amount for which judgment is rendered, the day on which the same is rendered, the party for and against whom it is rendered, and in case judgment be for the plaintiff, the time to which the judgment relates back as a lien, and other entries necessary and proper to a full understanding of the case.

What to be entered therein.

Time to which judgment relates. The time to which the judgment shall relate back as a lien shall be ascertained in the same manner as the amount of the judgment is ascertained.

To what the provisions of this act shall apply. SECTION 4. The provisions of this act are hereby declared to extend to work and labor performed and furnished, or materials furnished, in plumbing, gas-fitting, paper-hanging, paving, wharf-building, and to iron works, and machinery of every kind in mills and factories, and to bridges, and may be as well by and against corporations as individuals.

Act to apply to vessels, rigging &c. SECTION 5. This act shall also extend to work and labor or materials performed or furnished in the construction, alteration, furnishing, rigging, launching, or repairs of any ship or vessel within this State: *Provided, nevertheless*, that no bill of particulars and affidavit [as] aforesaid shall be filed more than four days after such ship or vessel has been launched, rigged, furnished, and ready for sea, or after such repairs have been completed; and the same shall contain the name of the ship or vessel, or a description thereof sufficient for identification. Upon filing said bill of par-

When bill of particulars to be filed.

ticulars and affidavit under the provisions of this Section, the Prothonotary may issue a writ of attachment, directed to the Sheriff of the county in which the vessel may be, commanding the Sheriff to attach the defendant by such ship or vessel, together with the tackle, apparel, and furniture, wheresoever the same be found in his bailiwick, so that he be and appear at the next term of the Superior Court to answer the plaintiff's demands. The Sheriff shall under such writ seize and take possession of the said ship or vessel, and have the same inventoried and appraised, and shall be answerable therefor. If the defendant in the attachment shall at any time before judgment appear and enter into a recognizance to the plaintiff in said writ of attachment in a reasonable penalty, and with surety to be approved by the Prothonotary, with condition to pay the condemnation money, and all costs, or otherwise abide the judgment of the Superior Court in the case, if he fail to make good his plea, then the attachment shall be dissolved, the ship or vessel shall be discharged, and the case shall proceed as in other cases of assumpsit for work and labor, or materials furnished.

SECTION 6. On the return of said writ of attachment, or summons, the Court may, upon petition of any person or persons claiming to have performed or furnished work or labor or materials, at the request of the plaintiff or plaintiffs in said attachment, appoint three suitable persons to audit and determine the claim or claims of the said plaintiff or plaintiffs, and also the claim or claims of the petitioner or petitioners, who shall adjust and ascertain all the demands, including that of the plaintiff in the writ. The auditors shall severally be sworn or affirmed to perform their duties according to the best of their skill and knowledge. They shall give ten days notice to the parties of the time and place of their first meeting by advertisement, posted at the court house door, and at least five other public places in the county. Their subsequent sittings shall be by adjournment duly made and publicly announced. They may investigate any claim presented in any form they may judge best, and may examine any of the parties upon oath or affirmation. On receipt of the proceeds of the sale of the property attached, or against which judgment is obtained, or any part thereof, the auditors shall calculate and settle the proportions and dividends due the several parties, and shall make report to the next term of the Court after such apportionment, and upon confirmation of the report, pay over to the several parties their respective shares of the proceeds according to such apportionment. The Court may hear exceptions to and correct such account and report, either in the calculations, dividends, apportionment, or otherwise.

SECTION 7. If the attachment shall not have been dissolved, as hereinbefore provided, judgment may be given for the plaintiff in the attachment, at the second term after issuing the writ as in other cases of attachment, and thereupon the Court may order

Filing the claim.

Writ of attachment.

Duty of Sheriff under the attachment. How the attachment may be dissolved.

On return of writ other claimants may file petitions.

Auditors to be appointed. Duties of auditors.

Auditors to be sworn.

To notify parties. Notice to be posted.

Subsequent meetings. Investigation of claims and particulars.

Auditor's report, and when made.

Court may review the same.

If the attachment be not dissolved, when judgment may be rendered.

Sale of property. Proceeds to be paid and distributed by auditors. that the Sheriff shall sell the property attached on due notice, and pay the proceeds, deducting legal costs and charges, to the auditors for distribution; any balance remaining due from the defendant in the attachment to any of the parties after such distribution of the proceeds, may be collected as other debts, and

Surplus. any surplus, after paying costs, shall be returned to the defendant, or his executors, administrators, or assigns. Also sales made

Sales to be good against defendant. under this act, shall be good against the defendant, his executors, administrators, or assigns.

Passed at Dover, March 7, 1861.

CHAPTER 118.

A further supplement to the act entitled "An Act to incorporate the Mispillion and Choptank Railroad Company," passed at Dover, February 17th, 1857.

11th vol. Del. Laws, page 380. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring), That*

Damagers may be deposited to the credit of the party entitled in the Farmer's Bank. any damages which have been or may hereafter be assessed under and by virtue of the provisions of the eleventh Section of the act to which this is a supplement, may be deposited by the said Mispillion and Choptank Railroad Company in the Farmer's Bank of the State of Delaware for the use of the party entitled to said damages, instead of being paid into court as provided by Section

Thereupon title to land to be vested in the company. 11 of said act, and thereupon the title to lands and premises condemned and assigned shall become absolutely vested in the said Company, their successors and assigns.

Passed at Dover, March 7, 1861.

CHAPTER 119.

An Act to authorize the laying out a Public Road in Kent County.

Commissioners appointed. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Charles Warren, William Sapp, William Shaw, Benjamin Thistlewood and William H. Masten be, and they are hereby appoint-

ed Commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion Hundred, Kent County: Beginning at a point on the Vernon and Harrington road, on a piece of land recently sold by George Dorman to Thomas H. Dorman, and to run from thence on the lands of the said George Dorman parallel to the dividing line between lands of the said George Dorman, and lands of Benjamin T. Fleming, one hundred and twenty feet from said line, and from thence passing by or through the lands of Albert Butler, lands of Alexander Johnson and Jehu F. Tharp, lands of Peter Callaway, lands of William Harrington, lands of John Booth, lands of Samuel A. Short, and lands of the heirs of William Masten, deceased, and terminating at a point on the public road leading from Moore's Crossing to Masten's Meeting House, so as to intersect a new public road recently laid out from the last above named point to Morris' Mill. And if said Commissioners, or if a majority of them shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such new public road as they shall deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made respecting the courses and distances thereof, with notes of the most remarkable places, and of the woodlands, cleared lands, and improvements by or through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, and making the bridges and causeways thereon. And the said Commissioners shall, in their return, set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said return the aforementioned plot, and shall return their proceedings to the Court of General Sessions of the Peace and Jail Delivery at its then next session in and for Kent County. The effect of such return, when the same shall have been made, shall be the same as if the said return had been upon proceedings had upon petition to the Court of General Sessions of the Peace and Jail Delivery in and for Kent County to lay out a public road, and the same persons had been appointed by the said court and had duly made return of their proceedings.

Duties.

Course of road.

If Commissioners so determine road may be laid out.

Plot thereof. What plot to show.

Assessment of damages.

Computation of costs.

What return shall set forth.

When and where to be made.

Effect of return.

Subsequent proceedings.

Road when approved by Levy Court to be public.

SECTION 2. All subsequent proceedings in relation to said road shall be the same as provided in Chapter 60 of the Revised Statutes in reference to public roads in Kent County, and when the Levy Court shall have approved the said road, it shall be deemed and taken as a public road of Kent County, and be subject to the same

laws and regulations that govern other public roads therein laid out under the provisions of said chapter.

Commissioners to be sworn.

Vacancies.

SECTION 3. The said Commissioners and Surveyor, before viewing the premises, shall be severally sworn, or affirmed, faithfully and impartially to perform the duties incumbent on them respectively. Either of said Commissioners may administer the oath or affirmation to the others and to the Surveyor. A majority may do or determine any matter. In case of a vacancy another or other Commissioners may be appointed by the Governor, whose duties shall be the same as hereinbefore provided. The fee of the Commissioners, Surveyor and Chain Carriers, shall be the same as provided by law for such services in case of laying out public roads, and to be paid in like manner.

Passed at Dover, March 7, 1861.

CHAPTER 120.

An Act to repeal an act entitled "An Act to repeal an act entitled 'An Act to form two hundreds of what was heretofore Broadkiln Hundred in Sussex County, as to holding the General and Special Elections, the Elections of Assessors and Inspectors, and the appointment of Constables.'"

Act repealing act to form Broadkiln Hundred, in Sussex County, into two hundreds, passed January 31, 1833, repealed. Act is altered or repealed by said act revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act to repeal an act entitled 'An act to form two hundreds of what was heretofore Broadkiln Hundred in Sussex County, as to holding the General and Special Elections, the Elections of Assessors and Inspectors, and the appointment of Constables,'"* passed at Dover, January thirty-first, in the year of our Lord one thousand eight hundred and thirty-five, be, and the same is hereby repealed, and all and every act and acts of the General Assembly of this State as is by said act in any manner altered or repealed, are hereby revived and declared to be in force in the same manner as if the said act hereby repealed had not been passed.

Passed at Dover, March 7, 1861.

CHAPTER 121.

An Act to amend Section 38 of Chapter 97 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 38 of Chapter 97 of the Revised Statutes of the State of Delaware be, and the same is hereby amended as follows, to wit: By striking out the words "three months" in the fourth line of said Section, and by inserting in lieu thereof the words "ten days."

Passed at Dover, March 7, 1861.

CHAPTER 122.

A Supplement to the act entitled "An Act to incorporate the Dover Gas Light Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring herein,) That it shall and may* be lawful for any person or persons into whose house or houses the Dover Gas Light Company has heretofore introduced or may hereafter introduce and put up gas pipes for the purpose of supplying gas to him, her or them, to purchase his, her or their fixtures, burners, &c., of any manufacturer or dealer in such articles of good standing, and to put up and attach the same to the pipes so as aforesaid introduced and put up, according to the arrangement made in the putting in of said pipes as aforesaid, and it shall be the duty of the said Company to supply gas to be used with such fixtures and burners on the same terms as though they had furnished said fixtures.

SECTION 2. *And be it further enacted by the authority aforesaid, That it shall be the duty of the Company incorporated by the act to which this is a supplement, to introduce gas pipes of the proper size and quality into any house or building in the Town of Dover, at the usual price per foot, charged by other gas companies for putting in gas pipes of like size and quality, the owner of which may desire the same, upon the payment or tender of the amount necessary to pay the costs of introducing the same; and that said Company shall furnish gas to any resident of said town*

Tests as to
quality of
gas.

who may desire the same, at a price which shall not exceed twenty-five per cent more than is charged in Philadelphia and other cities for gas of a like quality. And should the said Company claim for the gas manufactured by them superiority over the gas manufactured in Philadelphia and other cities, it shall be incumbent on said Company to establish, by scientific tests, such superiority; and thereupon said Company shall be entitled to charge for their gas in the proper proportion to the quality of the same.

Inconsistent
parts of
original act
repealed.

SECTION 3. *And be it further enacted*, That so much and such parts of the act to which this is a supplement, as conflict with the provisions of this act be, and the same are hereby repealed, made null and void.

Passed at Dover, March 7, 1861.

CHAPTER 123.

An Act to amend the act entitled "An Act to amend Chapter 68 of the Revised Code," passed at Dover, February 24, 1859.

11th Vol.
Del. Laws,
page 736.
Act amend-
atory of Chap-
ter 68 of the
Revised
Code amend-
ed.
How amend-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the act entitled "An act to amend Chapter 68 of the Revised Code of the State of Delaware," passed at Dover, February 24, 1859, be, and the same is hereby amended by inserting in the 6th line of said amendment after the word "carriage" the following words: "or shall take out license with a view to sell or dispose of goods, wares or other merchandise at public auction or vendue," and adding also to the last word of the last line of said amendment the words "for each and every county of said State wherein such goods shall be vended."

Passed at Dover, March 7, 1861.

CHAPTER 124.

An Act for the Preservation of Fruits and Vegetables.

Taking
fruits,
plants, &c.,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That every person who shall, within the limits of the County of New

Castle, wilfully take and carry away any fruit, vegetables, plant, fruit or ornamental tree, vine or shrub, from any orchard, garden, nursery, or enclosed lot, shall, if the same be attached to the soil, be deemed guilty of a misdemeanor, and on conviction thereof in the Court of General Sessions of the Peace and Jail Delivery, in the county wherein the offence shall have been committed, shall be sentenced by the Court to pay a fine not exceeding twenty dollars, and the costs of prosecution. In N. C. Co. a misdemeanor. Penalty.

Passed at Dover, March 7, 1861.

CHAPTER 125.

An Act for the payment of Claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be, and he is hereby authorized and directed to pay the following claims: State Treasurer to pay to

To Elias S. Reed for taking charge of the books and papers of the Senate and House of Representatives, twenty dollars. Elias S. Reed.

To D. Dodd for publishing Proclamation of Governor of D. Dodd. Thanksgiving, &c., ten dollars. D. Dodd.

To George W. Vernon for printing, &c., forty-eight dollars. George W. Vernon.

To Robert D. Hoffecker for printing, fifty dollars. Rob't D. Hoffecker.

To Joshua T. Heald for book, eight dollars. Joshua T. Heald.

To Joseph M. Barr for printing, sixteen dollars and eighty-seven cents. Joseph M. Barr.

To Wm. A. Atkinson, late Sheriff of Kent Co., for 13 days attendance on Court of Errors and Appeals, nineteen dollars and fifty cents. Wm. A. Atkinson.

To B. O. Waples for repairing furniture, &c., six dollars and sixty-two cents. B. O. Waples.

To Edward Ridgely, Secretary of State, for superintending the re-printing, making out table of private acts, and making out index to the eleventh volume of the Delaware Laws, three hundred dollars. Edward Ridgely.

To Samuel C. Letherbury for 13 days attendance as Crier of Court of Appeals, \$19.50. Sam'l C. Letherbury.

To James Kirk for printing, &c., thirty-six dollars and six cents. James Kirk.

To C. P. Johnson for printing, fifty-seven dollars and thirty-six cents. C. P. Johnson.

To James Montgomery for printing, nine dollars and sixty-one cents. James Montgomery.

- Henry Eckle. To Henry Eckle for printing, thirty-three dollars and thirty-six cents.
- R. N. Merriken. To R. N. Merriken for 13 days as Clerk of Court of Errors and Appeals, for stationary, receiving and receipting for the census of Kent County, for 17 Revised Codes, eight copies 11th vol. Del. Laws, &c., &c., eighty-one dollars and four cents.
- Charles N. Trump. To Charles N. Trump for fitting State House for Gas, for fixtures, lamp, &c., &c., four hundred and ninety-nine dollars and seventy cents.
- Thomas M. Ogle. To Thos. M. Ogle for executing requisition of the Governor of Delaware upon the Governor of Pennsylvania, expenses, &c., one hundred and two dollars and ten cents.
- Joshua T. Heald. To Josh. T. Heald for Dictionary, &c., seven dollars.
- B. O. Waples. To B. O. Waples for repairing furniture, &c., seventeen dollars and forty-six cents.
- John Wyatt. To John Wyatt for putting lock on desk, 50 cents.
- A. B. Marvel. To A. B. Marvel, Auditor of Accounts, for stationery, printing, &c., fifty dollars.
- James Cannon. To James Cannon for arresting and delivering in jail at Dover of Silas Hollis, in accordance with proclamation of Governor Causey, dated September 9th, 1857, fifty dollars; and thirty dollars, in full of all claims against the State, for the delivery of Silas Hollis to the Sheriff of Kent County on the proclamation of Governor Causey.
- John D. Burton. To John D. Burton for stationery furnished the General Assembly, for commissions on the same, and for amount paid C. N. Trump, &c., &c., seven hundred and twenty-one dollars and ten cents.
- R. N. Merriken. To R. N. Merriken for 2 volumes 11th edition of the Laws of Delaware, two dollars.
- Henry Flowers. To Henry Flowers for fitting up Senate Chamber and Representative Hall for the General Assembly, and for washing, &c., &c., thirty-one dollars and seventy-six cents.
- Charles N. Trump. To Charles N. Trump for use of chandalier in the Senate Chamber, ten dollars.

Passed at Dover, March 7, 1860.

RESOLUTIONS.

CHAPTER 126.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That having extended to the Hon. H. Dickinson, Commissioner from the State of Mississippi, the courtesy due to him as the Representative of a sovereign State of the Confederacy, as well as to the State he represents, we deem it proper and due to ourselves, and to the people of Delaware, to express our unqualified disapproval of the remedy for existing difficulties, suggested by the resolutions of the Legislature of Mississippi. Expression of disapproval of the resolutions of Mississippi.

Adopted at Dover, January 8, 1861.

CHAPTER 127.

Preamble.
WHEREAS certain resolutions are now before Congress, submitted by the Hon. John J. Crittenden, a Senator from the State of Kentucky, for the settlement of our difficulties about the slavery question; and whereas the said proposition for the settlement of existing difficulties is deemed equitable, and ought to be accepted by both the North and the South, as it will in our opinion remove the cause that produces the danger of dissolution of the Union, therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That this General Assembly approve of the proposition aforesaid of Senator Crittenden, Propositions of Senator Crittenden approved.

and hereby instruct our Senators in Congress, and request our Representative, to advocate the said proposition, (or any other fair and equitable proposition, or means of reconciliation which will be just to both sections of country, and obtain the sanction of Congress,) and in so expressing themselves they have no doubt they reflect the will of a large majority of their constituents; and they have sufficient confidence in the patriotism of the people of both sections, North and South, to believe they will approve it also, if their sense can be fairly taken.

Copy hereof
to be trans-
mitted to our
Senators and
Representa-
tive in Con-
gress

Resolved, That a copy of the foregoing resolution, signed by the Speakers of the two Houses, and attested by the Clerks, be forwarded immediately to our Senators and Representative in Congress.

Adopted at Dover, January 17, 1861.

CHAPTER 128.

Joint Com-
mittee on
claims ap-
pointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a Committee of two on the part of the Senate be appointed to act with a similar Committee on the part of the House as a joint Committee on Claims.

Adopted at Dover, January 18, 1861.

CHAPTER 129.

Samuel B.
Hitch ap-
pointed
State Treas-
urer.

Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate,) That Samuel B. Hitch be, and he is hereby appointed State Treasurer.

Adopted at Dover, January 18, 1861.

CHAPTER 130.

Resolved by the House of Representatives of the State of Delaware,
(by and with the concurrence of the Senate,) That William N. Hamilton be, and he is hereby appointed Auditor of Accounts.

Wm. N.
Hamilton
appointed
Auditor of
Accounts.

Adopted at Dover, January 18, 1861.

CHAPTER 131.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall be the duty of the Attorney General of this State, and he is hereby directed to proceed without delay to collect from all officers or other persons all such sums of money as are now and which have been for the space of six months due and payable to the State, and when so collected to pay over the same to the State Treasurer for the use of the State, deducting for his service ten per cent. of the amount thereof; and that the Attorney General present to the next session of the Legislature a report of his proceedings under this resolution.

Attorney
General
directed to
collect mo-
neys due to
the State.

His compen-
sation.
To make re-
port to the
next Legis-
lature

Adopted at Dover, January 22, 1861.

CHAPTER 132.

A Joint Resolution for the relief of the School Convention of New Castle County.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Trustee of the fund for establishing schools in the State of Delaware be directed to pay out of the income of the said fund in his hands, to Willard Hall, who was President of the last School Convention in New Castle County, or his order, the sum of one hundred and fifty-seven dollars and thirty-two cents, to be applied to the payment of a balance of that amount due from the School Convention of that county for printing, and to be deducted from the share of said county of said income.

Trustee of
School Fund
directed to
pay to Will-
ard Hall
\$157 32.

How to be
applied.

Adopted at Dover, January 29, 1861.

CHAPTER 183.

Joint Resolution appointing Commissioners.

Preamble.

WHEREAS the State of Virginia has recommended the holding of a Convention of Delegates from all the States of the Union, at the City of Washington, on the fourth day of February next, for the purpose of taking into consideration and perfecting some plan of adjusting the matters of controversy now so unhappily subsisting in the family of States, and has appointed five Commissioners to represent the people of that commonwealth in said Convention; and whereas the people of the State of Delaware regard the preservation of the Union as paramount to any political consideration, and are fixed in their determination that Delaware, the first to adopt the Federal Constitution, will be the last to do any act tending to destroy the integrity of the Union; therefore

Commissioners appointed to attend the Peace Convention.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Hon. George B. Rodney, Daniel M. Bates, Esq., Dr. Henry Ridgely, Hon. John W. Houston, and William Cannon, Esq., be, and they are hereby appointed Commissioners on behalf of the State of Delaware, to represent the people of said State in the Convention to be held at Washington on the fourth day of February next.

Expression of opinion as to the sentiments of the people of Delaware.

Resolved, That in the opinion of this General Assembly, the people of Delaware are thoroughly devoted to the perpetuity of the Union, and that the Commissioners appointed by the foregoing resolution are expected to emulate the example set by the immortal patriots who framed the Federal Constitution, by sacrificing all minor considerations upon the altar of the Union.

Secretary of State to furnish a copy to the Commissioners.

Resolved further, That it shall be the duty of the Secretary of State to furnish a copy of the above preamble and resolutions to each of the Commissioners herein and hereby appointed, duly attested under the great seal of the State.

Clerk of House of Representatives to certify copy to the Secretary of State.

Resolved further, That immediately upon the adoption of the foregoing preamble and resolutions, it shall be the duty of the Clerk of the House to transmit to the Secretary of State a copy thereof certified by him, and when the Secretary of State shall have received said copy so certified, it shall be evidence that said preamble and resolutions were duly adopted by this General Assembly.

Adopted at Dover, January 30, 1861.

CHAPTER 134.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel C. Leatherbury be, and he is hereby authorized to sell at public sale, after giving five days notice of such sale, the chandaliers, lamps, stoves, and such other articles as have been laid aside out of the Senate Chamber and the Hall of the House of Representatives and now in the keeping of the said Samuel C. Leatherbury; when he shall have sold such chandaliers, lamps, stoves, &c., he is authorized to deduct ten per cent. of the amount of said sales as payment for his trouble, and to pay the balance to the State Treasurer for the use of the State.

Samuel C. Leatherbury authorized to sell certain old articles belonging to the State.
Compensation. Proceeds, to whom to be paid.

Adopted at Dover, January 31, 1861.

CHAPTER 135.

Joint Resolution appointing Bank Directors.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be, and they are hereby appointed Directors of the Farmers Bank of the State of Delaware, on the part of the State, agreeably to the act of the General Assembly in such case made and provided: For the principal bank at Dover, Wilson L. Cannon, Hunn Jenkins and Edward Ridgely; For the branch at Wilmington, James Delaplaine, Vincent C. Gilpin and J. Morton Poole; For the branch at New Castle, Nathaniel Young, James Truss and Charles Gooding; For the branch at Georgetown, Benjamin F. Fooks, James Ponder and Henry Wolfe.

Directors on the part of the State in Farmer's Bank appointed.

Adopted at Dover, February 7, 1861.

CHAPTER 136.

WHEREAS the remains of Joseph Hazelette, deceased, who enjoyed the universal respect of his fellow citizens while living, and who was twice elevated by their suffrages to the Gubernatorial office of this State, lie buried upon the farm where he had lived in Sussex County, without a stone to mark his last resting place; and whereas while filling the Executive office of this State, in time of the last war with England, he expended no inconsiderable

Preamble.

portion of his private fortune in the public service, leaving his family (none of whom now reside in the State) in embarrassed circumstances and unable to procure suitable memorials of his worth; therefore

Persons appointed to erect a monument over the remains of Joseph Hazelette.

May draw on the State Treasurer for \$250.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That William V. Coulter, John A. Hazzard and Peter Calhoun be, and they are hereby appointed to procure a suitable monument, and cause it to be placed at the grave of the said Joseph Hazelette, deceased, as a token of respect to his memory, and also an iron railing to enclose the same, and that they draw upon the State Treasurer for any sum not exceeding two hundred and fifty dollars, necessary to defray the expenses.

Adopted at Dover, February 21, 1861.

CHAPTER 137.

Joint Resolution making an appropriation to improve the burial places of Commodore Jones and Surgeon-General Tilton.

Commissioners appointed to erect monuments over the remains of Com. J. Jones and Sur. Gen'l James Tilton.

Expenses, how paid.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Capt. S. F. DuPont, Capt. John P. Gillis and Doct. H. F. Askew be, and they are hereby appointed to cause suitable monuments to be erected over the remains of Com. Jacob Jones and Sur. Gen'l James Tilton, now lying in the Wilmington and Brandywine Cemetery, and to enclose the same with neat iron railings as tributes of respect to their distinguished memories, and that they be hereby authorized to draw upon the State Treasurer for the sum of five hundred dollars, upon the completion of the work.

Adopted at Dover, February 26, 1861.

CHAPTER 138.

State Treasurer directed to pay to

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized to pay to the Secretary of State

the sum of four hundred dollars, to be by him applied to the payment of the contingent expenses of his office for the current and succeeding years, an account of which shall be submitted to the General Assembly at the next biennial session.

Secretary of State \$400, to be applied to contingent expenses of Secretary's office.

Adopted at Dover, March 1, 1861.

CHAPTER 139.

Resolved, That the report of the Peace Conference this day presented, be transmitted to the House of Representatives, and that a conference with the Committee on the State of the Union of the House is hereby requested by the Committee on the State of the Union of the Senate, and that said report shall be brought before the two Committees in conference.

Report of the Peace Conference.

Adopted at Dover, March 1, 1861.

CHAPTER 140.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Secretary of State be, and he is hereby directed and required to cause to be published for the space of two weeks, in the following named newspapers published in this State, to wit: in the Delaware Gazette, Delaware Republican, Delawarean, Peninsular News and Advertiser, and Messenger, a duly certified copy of the act entitled "An Act for the Benefit of Free Schools in the State of Delaware," passed at Dover, March 1, 1861.

Secretary of State directed to have published for two weeks in certain newspapers not in relation to free schools.

Adopted at Dover, March 5, 1861.

CHAPTER 141.

WHEREAS the coastwise and foreign commerce of the country, **Preamble,** as also the navigation of the Delaware bay and river would be greatly benefitted by the construction of a pier connecting the

harbor of the Delaware Breakwater at Lewes with the main land, therefore,

Appropriation recommended for a pier at Lewes, Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Senators and Representative from this State in Congress be, and they are hereby requested to urge upon the General Government the propriety and urgent necessity of making an appropriation for the construction of a pier to connect the harbor of the Delaware Breakwater with the main land.

Resolved, That a copy of these resolutions, signed by the Speakers of the two branches of the Legislature, be forwarded to each of our Senators and Representative elect.

Adopted at Dover, March 5, 1861.

CHAPTER 142.

State Treasurer directed to pay to each of the Commissioners to the Peace Convention \$200

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized and directed to pay to George B. Rodney, Daniel M. Bates, Henry Ridgely, John W. Houston, and William Cannon, upon their several and respective orders, the sum of two hundred dollars each, as a compensation for their services as Commissioners to the Peace Convention.

Adopted at Dover, March 6, 1861.

CHAPTER 143.

Thanks to the Commissioners to the Peace Convention.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of this General Assembly be, and they are hereby tendered to George B. Rodney, Daniel M. Bates, Henry Ridgely, John W. Houston, and William Cannon, Commissioners from this State to the Peace Convention, held at Washington, for their conservative and patriotic efforts in said Convention, to preserve the peace, harmony and integrity of the Union.

Adopted at Dover, March 6, 1861.

CHAPTER 144.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Alexander Johnson and Charles T. Polk on the part of the Senate, and Henry H. Appleton, Ambrose Broadway, and Lemuel W. Waples, on the part of the House of Representatives, be and they are hereby appointed a Committee on the part of this General Assembly, whose duty it shall be to meet at Dover, on the third Tuesday of January, A. D. 1862, for the purpose of settling the accounts of the State Treasurer, and receiving the report of the Auditor of Accounts for the current year. Legislative Committee appointed.
Their duties.

Resolved, That it shall be the duty of the said Committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in this State, for the space of one month from the time of effecting the same. Statement of their settlement to be published.

Resolved, That the said Committee have full power and authority to audit the accounts of the Clerk of the House of Representatives, and the Clerk of the Senate, for superintending the printing of the Journals of the Houses of the Legislature during the present session, and for making indexes thereto; also the accounts of the Secretary of State for superintending the printing the acts of the present session, and for making index to the same, and make such allowance for said services as they may think just and proper, which said allowance shall be paid by the State Treasurer upon orders drawn by the Chairman of the said Committee, in favor of said Clerks and Secretary of State respectively. To settle accounts of Clerks of both Houses and Secretary of State in relation to superintending printing of the journals and the laws.
Allowances, how paid.

Resolved, That said Committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer upon orders drawn by the Chairman of said Committee, out of any money in the hands of the said State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee, to be paid in like manner. Compensation to the Committee.
How paid.

Adopted at Dover, March 6, 1861.

CHAPTER 145.

Resolved by the Senate and House of Representatives of the State of Delaware, That John Green be, and he is hereby authorized to have closed up the way leading down to the cellar, on the southern side of the State House, and that John Green be, and he is hereby authorized to draw upon the State Treasurer for any amount which may be necessary to enable him to carry into effect this resolution.

John Green
authorized
to close up a
cellarway in
the State
House.

Expense,
how paid.

Resolved, That John Green be, and he is hereby directed to present to the next Legislature his accounts and vouchers for any money expended by him in carrying into effect the foregoing resolution.

Adopted at Dover, March 7, 1861.

CHAPTER 146.

Resolved by the Senate and House of Representatives in General Assembly met, That John Green be, and he is hereby authorized to have repaired the roof covering the building known as the State House, belonging to the State and Kent County conjointly, and that John Green be, and he is hereby authorized to draw upon the State Treasurer for any sum necessary for repairing said roof; *Provided,* That the Levy Court of Kent County shall pay one half of the amount required for said repairs; and if the Levy Court of Kent County refuse to appropriate a sum sufficient to defray one-half of the amount necessary for said repairs, then that this resolution shall be null and void.

John Green
authorized
to have roof
of State
House re-
paired.

Previseo.

To present
his accounts
to the next
Legislature,
and to the
Levy Court
of Kent
County.

Resolved further, That John Green be, and he is hereby directed to present to the next Legislature, and to the Levy Court of Kent County, his accounts and vouchers for any money expended in said repairs.

Adopted at Dover, March 7, 1861.

CHAPTER 147.

Resolved by the Senate and House of Representatives in General Assembly met, That David Clayton be, and he is hereby authorized and appointed to take charge of the books and papers of the Senate and House of Representatives; also to take charge of the State Library, and that he be required strictly to enforce the rules made or lawfully to be made for the regulation of the said Library, and the use of the books therein.

David Clayton appointed to take charge of books and papers of the Senate and House of Representatives. Also of the State Library. Compensation.

Resolved further, That for the faithful performance of the duties above specified, the State Treasurer shall pay to the said David Clayton the sum of forty-five dollars per annum; the first year to commence on the day succeeding the day of the adjournment of this General Assembly.

Adopted at Dover, March 7, 1861.

CHAPTER 148.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That James W. Wise be, and he is hereby appointed to take charge of the Senate Chamber and of the Hall of the House of Representatives, and to take care of the furniture belonging to the same.

James W. Wise appointed to take charge of the Senate Chamber and Hall of the House of Representatives. His duty in relation thereto.

Resolved further, That it shall be the duty of the said James W. Wise to pay strict attention to the proper airing of the said rooms and to the furniture belonging to each, and keep the same in the best condition within his power, and that he be required strictly [to] enforce the rules made or lawfully to be made for the regulation of the same.

Resolved further, That for the faithful performance of the duties above specified the State Treasurer shall pay the said James W. Wise the sum of thirty-five dollars per annum. The first year to commence on the day succeeding the day of adjournment of this General Assembly.

His compensation.

Adopted at Dover, March 7, 1861.

CHAPTER 149.

Preamble.

WHEREAS there has been passed at the present session of the Legislature an act entitled "An Act to establish Inferior Courts in the several Counties of this State," and whereas said act imposes increased duties upon the Associate Judges in their respective counties, without making any provision for compensating them for extra services, be it therefore

Salaries of
Associate
Judges in-
creased \$200

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That each of the Associate Judges of this State shall receive two hundred dollars yearly as his additional salary to that what is provided for in Chapter 25 of the Revised Statutes of the State of Delaware as far as relates to Associate Judges in the several counties.

When in-
creased
salary to
begin.

And be it further Resolved, That said increase shall commence on July 1, eighteen hundred and sixty-one.

Adopted at Dover, March 7, 1861.

CHAPTER 150.

State Treas-
urer direct-
ed to pay to
the Treasur-
er of each
of the Agri-
cultural So-
cieties of
this State
\$200 in each
of the years
1861 and
1862.
Treasurer
of the So-
cieties to ac-
count to the
members for
the same.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized and directed to pay to the respective Treasurers, on order drawn by the respective Presidents of the several County Agricultural Societies, chartered by the Legislature of this State, each the sum of two hundred dollars on or before the first day of October, A. D. 1861, and to each a like amount on or before the first day of October, A. D. 1862.

Resolved further, That the Treasurers of the said County Agricultural Societies shall account to the members of the said societies respectively for the money received from the State Treasurer, as aforesaid, which money shall be applied to the uses of said societies under the rules and regulations which govern the same.

Adopted at Dover, March 7, 1861.

CHAPTER 151.

Joint Resolution.

Resolved by the Senate and House of Representatives of the State Delaware in General Assembly met, That James Cowgill & Son be, and they are hereby authorized and requested to purchase the necessary coal, wood, oil, and stationery, for the next session of the Legislature, and the State Treasurer is hereby directed to pay to the order of the said James Cowgill & Son, the sum of fifty dollars to enable them to carry into effect the provisions of this resolution, and the said James Cowgill & Son are hereby directed to present their account and vouchers to the Legislature at its next session for allowance.

James Cowgill & Son to furnish Stationery to next Legislature. May draw on State Treasurer for \$30. To present their accounts to next Legislature.

Adopted at Dover, March 7, 1861.

CHAPTER 152.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized to borrow any sum or sums not exceeding in the whole amount twenty thousand dollars, to be applied and used towards the payment of the current expenses of the State until the next session of the Legislature, and that the faith of the State be, and the same is hereby pledged for the payment of the said sum or sums of money, not exceeding in the whole the amount aforesaid, with interest at six per centum, and that the Treasurer shall receive for his services one eighth of one per centum out of the money so obtained.

State Treasurer authorized to borrow a sum not to exceed \$20,000. His compensation.

Adopted at Dover, March 7, 1861.

CHAPTER 153.

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met, That both branches of the Legislature shall adjourn on Friday March 8th, *sine die*.

Adjournment of Legislature.

Adopted at Dover, March 7, 1861.

TITLES OF PRIVATE ACTS.

CHAPTER 154.—An Act for the Relief of Patrick Hackert.
Passed at Dover, January 15, 1861.

CHAPTER 155.—An Act to incorporate Liberty Lodge, No. 2,
of the American Protestant Association of Delaware in the
City of Wilmington.
Passed at Dover, January 17, 1861.

CHAPTER 156.—An Act to incorporate the St. Michael's Bene-
ficial Society of the City of Wilmington, Delaware.
Passed at Dover, January 22, 1861.

CHAPTER 157.—An Act to incorporate St. Mary's Beneficial
Society of the City of Wilmington, Delaware.
Passed at Dover, January 22, 1861.

CHAPTER 158.—A Supplement to the act entitled, "An Act
for incorporating the Friendship Fire Company of the Bor-
ough of Wilmington," passed at Dover, January 15, 1805.
Passed at Dover, January 22, 1861.

CHAPTER 159.—A Supplement to the act entitled, "An Act
for incorporating the Friendship Fire Company of the Bor-
ough of Wilmington," passed at Dover, January 15, 1805.
Passed at Dover, January 23, 1861.

CHAPTER 160.—An Act for the relief of James Sharp.
Passed at Dover, January 25, 1861.

CHAPTER 161.—An Act authorizing Mary A. Briggs to con-
vey certain Real Estate.
Passed at Dover, January 28, 1861.

CHAPTER 162.—An Act to revive and continue in force the act entitled, "An Act to enable Ezekiel Timmons to locate certain vacant lands situate in Broad Creek Hundred, in the County of Sussex, and to complete his title to the same," passed at Dover, February 23, 1859.

Passed at Dover, January 29, 1861.

CHAPTER 163.—An Act to enable Elijah W. Carey and Asbury C. Pepper to locate certain vacant lands in Dagsborough Hundred, in Sussex County, and to complete their title to the same.

Passed at Dover, January 29, 1861.

CHAPTER 164.—An Act to incorporate "The Delaware Mechanics' Building Association of Wilmington, Delaware."

Passed at Dover, January 29, 1861.

CHAPTER 165.—An Act to enable Peter R. Hudson to locate certain vacant lands in Baltimore Hundred in Sussex County, and to complete his title to the same.

Passed at Dover, January 30, 1861.

CHAPTER 166.—An Act to incorporate Triple Link Lodge, No. 31, of the Independent Order of Odd Fellows, Frederica, Delaware.

Passed at Dover, February 6, 1861.

CHAPTER 167.—An Act to incorporate the Morocco Dressers' Union of Friendship and Benevolence, of Wilmington, Delaware.

Passed at Dover, February 12, 1861.

CHAPTER 168.—An Act to incorporate Felton Lodge, No. 30, of the Independent Order of Odd Fellows of the State of Delaware, at Felton, Delaware.

Passed at Dover, February 14, 1861.

CHAPTER 169.—An Act for the relief of certain of the devisees of David Bush, deceased.

Passed at Dover, February 14, 1861.

CHAPTER 170.—An Act to incorporate the Living Home and Delaware Home for the Idiotic and Insane Association.

Passed at Dover, February 19, 1861.

CHAPTER 171.—An Act to incorporate Good Intent Division, No. 3, Sons of Temperance.

Passed at Dover, February 19, 1861.

CHAPTER 172.—An Act to authorize the Trustees under the will of John Ferris, deceased, to sell and convey certain real estate therein devised.

Passed at Dover, February 19, 1861.

CHAPTER 173.—An Act to incorporate Delaware Council, No. 2, Order of United American Mechanics of Wilmington, Delaware.

Passed at Dover, February 19, 1861.

CHAPTER 174.—An Act to enable William Marshall and John Sharp to locate certain vacant lands in Broadkilm Hundred, Sussex County, and complete their title to the same.

Passed at Dover, February 19, 1861.

CHAPTER 175.—An Act to divorce Frederick Craig and Matilda Craig from the bonds of matrimony.

Passed at Dover, February 21, 1861.

CHAPTER 176.—An Act for the relief of Samuel H. Jack.

Passed at Dover, February 21, 1861.

CHAPTER 177.—An Act authorizing the sale of the real estate of Samuel Betton, a minor.

Passed at Dover, February 21, 1861.

CHAPTER 178.—An Act to enable Asbury C. Pepper to locate certain vacant lands in Broadkilm Hundred, Sussex County, and to complete his title to the same.

Passed at Dover, February 26, 1861.

CHAPTER 179.—An Act to incorporate the Delaware and Chesapeake Steamboat Navigation Company.

Passed at Dover, February 28, 1861.

CHAPTER 180.—An Act to enable Elijah Davidson to locate certain vacant lands in Dagsboro' Hundred, Sussex County, and complete his title to the same.

Passed at Dover, February 28, 1861.

CHAPTER 181.—An Act for the renewal of the Charter of the Delta Phi Literary Society of Delaware College.

Passed at Dover, March 1, 1861.

CHAPTER 182.—An Act for the relief of John Hutchinson.

Passed at Dover, March 5, 1861.

CHAPTER 183.—An Act to enable Henry Todd to locate certain vacant salt marsh therein named, and complete his title to the same.

Passed at Dover, March 5, 1861.

CHAPTER 184.—An Act to revive an act entitled, An Act for the relief of William Little and others.

Passed at Dover, March 6, 1861.

CHAPTER 185.—An Act to enable Isaac McCabe to locate certain vacant lands in Baltimore Hundred in Sussex County, and to complete his title to the same.

Passed at Dover March 6, 1861.

CHAPTER 186.—An Act to revive and continue in force the act entitled, "An Act to enable Nathaniel Conoway to locate certain vacant lands in Nanticoke Hundred, Sussex County, and to complete his title to the same," passed at Dover, February 24, 1859.

Passed at Dover, March 6, 1861.

CHAPTER 187.—An Act to enable John Mansfield to locate certain salt marsh therein named, and complete his title to the same.

Passed at Dover, March 6, 1861.

CHAPTER 188.—An Act to enable Joseph J. Jones to locate certain vacant lands in Broad Creek Hundred, Sussex County, and complete his title to the same.

Passed at Dover, March 7, 1861.

SECRETARY'S OFFICE,
DOVER, May 28, 1861.

In obedience to the directions of Chapter 4 of the Revised Code entitled "Of the passing and publication of Laws and of Journals," I have collated with, and corrected by, the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its late session, which commenced on Tuesday, the first day of January, and closed on Friday, the eighth day of March, in the year of our Lord, one thousand eight hundred and sixty-one. The words between brackets are inserted to complete the sense or correct errors in the original rolls.

EDWARD RIDGELY,
Secretary of the State of Delaware.

L A W S
OF THE
STATE OF DELAWARE,
PASSED AT A SPECIAL SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCED AND HELD AT DOVER, ON MONDAY, THE
TWENTY-FIFTH DAY OF NOVEMBER,
A. D. 1861,
AND OF THE
INDEPENDENCE OF THE UNITED STATES THE EIGHTY-SIXTH.

PUBLISHED BY AUTHORITY.

1862:
JAMES KIRK, DOVER, DELAWARE,
PRINTER.

LAWS

OF THE

STATE OF DELAWARE.

CHAPTER 189.

An Act to amend an act entitled "An Act securing to Mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Del. Laws, vol. xli., p. 181. Section 1 be, and the same is hereby amended by striking out the word "not," in the third line of said section, between the word "amount" and the word "exceeding," and said act shall be so Act amended. read and construed, and shall be so printed in any edition of the laws hereafter to be published. To be published as amended.

Passed at Dover, January 21, 1862.

CHAPTER 190.

An Act securing to Mechanics and others payment for labor and materials in erecting or repairing any building or structure within the State of Delaware—AS AMENDED.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz:

SECTION 1. It shall and may be lawful for any person or persons having performed or furnished work and labor, or materials, or both, to an amount exceeding twenty-five dollars, in or for the Lien on building, &c., how obtained.

erection, alteration, or repair of any building or structure, in pursuance of any contract, express or implied, with the owner of such building or structure, at any time within sixty days from the completion of said work and labor, or the furnishing of such materials, to file in the office of the Prothonotary of the Superior Court in and for the county wherein such building or structure is situated, a bill of particulars of his claim, accompanied with an affidavit setting forth that the defendant is justly indebted to the plaintiff in a sum exceeding twenty-five dollars, and has refused or neglected to pay, or secure to be paid, to said plaintiff the amount due on his claim. Said affidavit shall contain a description of the property upon or for which the work and labor, or materials were furnished, sufficiently accurate to identify the property, and any judgment obtained thereon, as hereinafter provided, shall become a lien upon said building or structure, and the real estate upon which the same is situated, erected, or constructed, and shall relate back to the day upon which said work and labor was begun, or the furnishing of said materials was commenced, and shall take priority accordingly.

Bill of particulars.
Affidavit.

Judgment.

To what time lien shall relate back.

Filing of claim.
Summons.

Judgment by default.
When rendered.

The defendant and may file counter affidavit.

Proceedings thereon.

SECTION 2. Upon the filing of such claim as aforesaid, a summons shall be issued by the Prothonotary, as in an action of assumpsit, for work and labor or materials furnished. If such claim be so filed, as aforesaid, ten days before the first day of the term of the Superior Court, to which the said process is returnable, judgment by default may be entered upon motion by the plaintiff on the last day of the term to which said process is returnable, notwithstanding appearance by the defendant, unless said defendant shall have previously filed in the cause an affidavit stating that he verily believes there is a legal defence to the whole or part of such cause of action, and setting forth the nature and character of the same, and if the defence be to a part only, then specifying the sum really due, and judgment may be entered for the plaintiff, at his election, for the sum acknowledged to be due. If such claim be not so filed as aforesaid, ten days before the first day of said term, to which said summons is returnable, or if judgment shall not be so entered by default as aforesaid, then like proceedings shall be had as in other cases of assumpsit.

"The Mechanics Lien Docket."
What to be entered therein.

SECTION 3. It shall be the duty of the Prothonotary in each county of this State to procure and keep a docket, to be called "The Mechanics' Lien Docket," in which he shall make an entry of each claim so filed as aforesaid, setting down therein the names of the parties, plaintiff and defendant, the amount claimed, the day upon which the claim is filed, and of the issuing of the summons, a description of the property against which the claim is sought to be charged, the amount for which judgment is rendered, the day on which the same is rendered, the party for and against whom it is rendered, and in case judgment be for the plaintiff, the

time to which the judgment relates back as a lien, and other entries necessary and proper to a full understanding of the case. Time to which judgment relates.
 The time to which the judgment shall relate back as a lien shall be ascertained in the same manner as the amount of the judgment is ascertained.

SECTION 4. The provisions of this act are hereby declared to extend to work and labor performed and furnished, or materials furnished, in plumbing, gas-fitting, paper hanging, paving, wharf-building, and to iron works, and machinery of every kind in mills and factories, and to bridges, and may be as well by and against corporations as individuals. To what the provisions of this act shall apply.

SECTION 5. This act shall also extend to work and labor or materials performed or furnished in the construction, alteration, furnishing, rigging, launching, or repairs, of any ship or vessel within this State: *Provided, nevertheless*, that no bill of particulars and affidavit as aforesaid shall be filed more than four days after such ship or vessel has been launched, rigged, furnished, and ready for sea, or after such repairs have been completed; and the same shall contain the name of the ship or vessel, or a description thereof sufficient for identification. Upon filing said bill of particulars and affidavit under the provisions of this Section, the Prothonotary may issue a writ of attachment, directed to the Sheriff of the county in which the vessel may be, commanding the Sheriff to attach the defendant by such ship or vessel, together with the tackle, apparel, and furniture, wheresoever the same be found in his bailiwick, so that he be and appear at the next term of the Superior Court to answer the plaintiff's demands. The Sheriff shall under such writ seize and take possession of the said ship or vessel, and have the same inventoried and appraised, and shall be answerable therefor. If the defendant in the attachment shall at any time before judgment appear and enter into a recognizance to the plaintiff in said writ of attachment in a reasonable penalty, and with surety to be approved by the Prothonotary, with condition to pay the condemnation money, and all costs, or otherwise abide the judgment of the Superior Court in the case if he fail to make good his plea, then the attachment shall be dissolved, the ship or vessel shall be discharged, and the case shall proceed as in other cases of assumpsit for work and labor, or materials furnished. Act to apply to vessels, rigging, &c.
When bill of particulars to be filed.
Filing the claim.
Writ of attachment.
Duty of Sheriff under the attachment.
How the attachment may be dissolved.

SECTION 6. On the return of said writ of attachment, or summons, the Court may, upon petition of any person or persons claiming to have performed or furnished work or labor or materials at the request of the plaintiff or plaintiffs in said attachment, appoint three suitable persons to audit and determine the claim or claims of the said plaintiff or plaintiffs, and also the claim or claims of the petitioner or petitioners, who shall adjust On return of writ other claimants may file petitions.
Auditor to be appointed
Duties of auditors.

and ascertain all the demands, including that of the plaintiff in the writ. The auditors shall severally be sworn or affirmed to perform their duties according to the best of their skill and knowledge. They shall give ten days notice to the parties of the time and place of their first meeting by advertisement, posted at the court house door, and at least five other public places in the county. Their subsequent sittings shall be by adjournment duly made and publicly announced. They may investigate any claim presented in any form they may judge best, and may examine any of the parties upon oath or affirmation. On receipt of the proceeds of the sale of the property attached, or against which judgment is obtained, or any part thereof, the auditors shall calculate and settle the proportions and dividends due the several parties, and shall make report to the next term of the Court after such apportionment, and upon confirmation of the report, pay over to the several parties their respective shares of the proceeds according to such apportionment. The Court may hear exceptions to and correct such account and report, either in the calculations, dividends, apportionment, or otherwise.

Auditors
to be sworn.

To notify
parties.
Notice to be
posted.

Subsequent
meetings.
Investiga-
tion of
claims and
particulars.

Auditor's
report and
when made.

Court may
review the
same.

If the attach-
ment be not
dissolved,
when judg-
ment may
be rendered.

Sale of prop-
erty.
Proceeds to
be paid and
distributed
by auditor.
Surplus.

Sales to be
good against
defendant.

SECTION 7. If the attachment shall not have been dissolved, as hereinbefore provided, judgment may be given for the plaintiff in the attachment, at the second term after issuing the writ, as in other cases of attachment, and thereupon the Court may order that the Sheriff shall sell the property attached, on due notice, and pay the proceeds, deducting legal costs and charges, to the auditors for distribution; any balance remaining due from the defendant in the attachment to any of the parties after such distribution of the proceeds, may be collected as other debts, and any surplus, after paying costs, shall be returned to the defendant, or his executors, administrators, or assigns. Also sales made under this act shall be good against the defendant, his executors, administrators, or assigns.

Passed at Dover, March 7, 1861.

CHAPTER 191.

An Act to amend Section 7 of Chapter 59 of the Revised Code of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Section seven of Chapter fifty-nine of the Revised Statutes of the State of Delaware, "Of Ditches," be, and the same is hereby, amended by inserting in the fourth line thereof, between the*

Section 7 of
Chapter 59
of the Re-
vised Code
amended.

word "choosing" and the word "two," the words "from said contributors." How amended.

SECTION 2. *And be it further enacted,* That in all editions of the laws hereafter to be published, the said section shall be published as hereby amended, Said Section to be published as amended.

Passed at Dover, January 23, 1862.

CHAPTER 192.

Section 7 of Chapter 59 of the Revised Code—AS AMENDED.

SEC. 7. The commissioners making any return that shall be confirmed, shall within one month after such confirmation, convene the persons liable to contribute to any ditch embraced therein, for the purpose of choosing, from said contributors, two managers and a treasurer of the ditch to serve for one year, and until others are chosen. Meeting of contributors. Managers. Treasurer.

Notice of the time and place of this meeting shall be posted in four public places of the neighborhood six days before the meeting. The managers shall annually thereafter, in the same manner, call a meeting, for the same purpose, on the first Saturday in March. Notice.

At all meetings, the taxables present shall be entitled to vote in proportion as each is liable to contribute; that is to say: each taxable shall be entitled to one vote for every dollar of tax paid by him. Voters

CHAPTER 193.

An Act to authorize the Register of Chancery, in and for New Castle County, to procure a new Seal of Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James Duncan, Esquire, Register in Chancery, in and for New Castle County, be, and he is hereby, authorized to procure a new seal for his office, to be made of brass, of the diameter of one inch, at least, and engraved with the devices of the present seal; Register in Chancery for N. C. County to procure a new seal of office. Dimensions and device of seal.

New seal to be used hereafter.

which said seal, when completed, shall be taken and deemed to be the seal of the Court of Chancery of New Castle County in the State of Delaware, and shall thereafter be fixed to all writings, paper and records where the seal of said Court is required, and the present seal shall be then broken up and destroyed by the said Register.

L. Court of N. C. County to pay the costs of new seal.

SECTION 2. *And be it enacted*, That the Levy Court and Court of Appeal of New Castle County shall pay the necessary cost and expenses of procuring the said new seal.

Passed at Dover, January 24, 1862.

CHAPTER 194.

An Act to authorize the Clerk of the Orphans' Court, in and for New Castle County, to procure a new Seal of Office.

Clerk of O. Court for N. C. County to procure a new seal of office.

Dimensions and device of seal.
New seal to be used hereafter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That James Duncan, Esquire, Clerk of the Orphans' Court in and for New Castle County be, and he is hereby, authorized to procure a new seal for his office, to be made of brass, of the diameter of one inch, at least, and engraved with the devices of the present seal; which said seal, when completed, shall be taken and deemed to be the seal of the Orphans' Court of New Castle County in the State of Delaware, and shall thereafter be fixed to all writings, papers and records where the seal of said Court is required; and the present seal shall be then broken up and destroyed by the said Clerk.

L. Court of N. C. County to pay the cost of the seal.

SECTION 2. *And be it enacted*, That the Levy Court and Court of Appeal of New Castle County shall pay the necessary cost and expenses of procuring the said new seal.

Passed at Dover, January 24, 1862.

CHAPTER 195.

An Act to amend an act entitled "An Act authorizing the Recorder of Deeds of New Castle County to make an Indirect Mortgage Index."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That

Section 1 of "An act authorizing the Recorder of Deeds of New Castle County to make an Indirect Mortgage Index," passed at Dover, January 23, 1861, be and the same is hereby amended by striking out of the eighth line, as printed in the laws of the State, the words "thirty-two" and inserting in lieu thereof the words "twenty-seven."

Del. Laws,
vol. 12, p. 8.
Act
amended.

How
amended.

Passed at Dover, January 28, 1862.

CHAPTER 196.

An Act declaring the cesser of the grants, liberties and privileges contained and specified in the act of the General Assembly of the State of Delaware, entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, and to resume and revest the same in the said State.

WHEREAS in and by the act of the General Assembly of the State of Delaware entitled "An act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, it was among other things enacted as follows:

Del. Laws,
vol. 11, p. 594.
Preamble
reciting
Sections 1, 2,
3, 4 & 5, of
original act.

"SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That, for the purpose of encouraging Internal Improvements in this State, the aid of this State be, and hereby is given in the manner hereinafter specified to the following named corporations, that is to say: to 'The Delaware Railroad Company,' to 'The Maryland and Delaware Railroad Company,' to 'The Mississippi and Choptank Railroad Company,' to 'The Junction and Breakwater Railroad Company,' to 'The Frederica Railroad Company,' to 'The Murderkill Navigation Company,' and also for the purposes of improving the navigation of Duck Creek, otherwise called Smyrna Creek; of stopping the mouth of Old Duck Creek; of building an academy at Felton, in Kent County; of improving the navigation of the creek leading up to Leipsic, in Kent County; of building an academy at Concord, in Sussex County; of building a store-house, ticket-office and water-tank at Townsend, in New Castle County; of building a Methodist Protestant Church at Townsend aforesaid; of finishing the fencing of the Delaware Railroad in New Castle County; of increasing the shares of the school fund of the eleven school districts in Appoquinimink Hundred, in New Castle County; and of aiding in the building of a new Court House and the public offices at New Castle, in this State.*

"SECTION 2. *And be it further enacted by the authority aforesaid,*
 "That it shall and may be lawful to raise by lotteries, as herein-
 "after provided, the monies necessary for and hereby appropriated
 "to the purposes mentioned in the first section of this act.

"SECTION 3. *And be it further enacted by the authority aforesaid,*
 "That, in consideration of the sum of seven hundred and twenty
 "thousand dollars, to be paid to the State Treasurer of this State,
 "as hereinafter provided, Richard France, of the city of Baltimore,
 "in the State of Maryland, be, and he is hereby authorized and
 "empowered, and he has special liberty to prepare schemes of
 "lotteries, to sell lottery tickets, and to draw lotteries in this State,
 "by himself, his agent or agents, assignee or assignees, for the
 "term of twenty years from and after the passage of this act.

"SECTION 4. *And be it further enacted by the authority aforesaid,*
 "That before the said Richard France, his agent or agents, assignee
 "or assignees, shall exercise any of the privileges hereby conferred,
 "he shall give bond to the State of Delaware, with security to be
 "approved by the Governor, or by the Chancellor, or by any one
 "of the Judges of the Superior Court of this State, conditioned
 "for the payment of all prizes sold and drawn in any of the lot-
 "teries authorized by this act, and also for the payment by the
 "said Richard France, or by his assignee or assignees to the State
 "Treasurer of this State, of the sum of seven hundred and twenty
 "thousand dollars of lawful money, as follows: that is to say, the
 "sum of eighteen thousand dollars, part thereof, to be paid on or
 "before the first day of July now next ensuing, and the further
 "sum of eighteen thousand dollars on or before the first day of
 "January now next ensuing, and the balance thereof in thirty-
 "eight equal semi-annual installments of eighteen thousand dollars
 "each, to be paid on or before the first day of July, and the first
 "day of January, in each and every year thereafter.

"SECTION 5. *And be it further enacted by the authority aforesaid,*
 "That upon a failure to pay to the State Treasurer aforesaid, any
 "one of the several payments, as provided for in the fourth section
 "of this act, within thirty days after the same shall have become
 "due and payable, then all the grants, liberties and privileges
 "herein contained and specified, shall from thenceforth cease and
 "be of no effect."

Preamble
 reciting
 the failure of
 Richard
 France to
 pay the
 installment
 due July 1st,
 1861.

AND WHEREAS neither the said Richard France, nor any person
 or persons claiming to be his assignee or assignees, did pay, to the
 State Treasurer of this State, the sum of eighteen thousand dollars,
 payable, according to the provision of the fourth section of the
 above in part recited act in that behalf, on the first day of July,
 A. D. 1861, on or before the said first day of July, A. D. 1861, nor
 within thirty days after the same so became due and payable,
 that is to say: within thirty days after the said first day of July,

A. D. 1861; but the said Richard France, and any person or persons claiming to be his assignee or assignees, did wholly fail to pay to the State Treasurer aforesaid the said sum of eighteen thousand dollars, on or before the said first day of July, A. D. 1861, and for the space of more than thirty days thereafter, whereby and upon such failure, by force of the provisions of Section 5 of said act, all the grants, liberties and privileges in said act contained and specified from thenceforth ceased, and became and were of no effect, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all and singular the grants, liberties and privileges contained and specified in the act of the General Assembly of the State of Delaware entitled "An act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, from and after the period of thirty days from and after the said first day of July, A. D. 1861, ceased and became of no effect, and the said grants, liberties and privileges are hereby declared to be resumed by the State of Delaware as wholly, entirely and exclusively as though the same had never been granted by the said act, and that it is, and shall be, unlawful for the said Richard France, his assignee or assignees, to have, enjoy, or exercise any of the grants, liberties or privileges in the said act contained and specified.*

Grants, liberties and privileges conferred by the act for the encouragement of internal improvements declared to have ceased, and resumed by the State.

R. France not to exercise any of the privileges granted by said act.

SECTION 2. *And be it further enacted, That it shall be the duty of the Attorney General of this State, and he is hereby required and directed, if such proceeding shall be necessary, as soon as practicable to proceed against the said Richard France, his assignee or assignees, or any other person claiming or pretending to exercise any of the grants, liberties or privileges in the said act contained and specified, by any appropriate proceeding at law or in equity, on behalf of the State of Delaware, and so to prosecute the same as that the said Richard France, his assignee and assignees, and such other person claiming or pretending as aforesaid, shall be wholly precluded, debarred and prevented from having, enjoying, or exercising any of the grants, liberties or privileges in the said act contained and specified.*

Att'y Gen'l directed to proceed against R. France or any other person exercising any of the grants, liberties and privileges mentioned in said act.

SECTION 3. *And be it further enacted, That the Governor be, and he is hereby authorized and directed to appoint suitable and skillful counsel, not exceeding two in number, on behalf of this State, to aid in the prosecution of the duty enjoined upon the Attorney General by this act, and such counsel or either, or any of them, may on behalf of the State of Delaware, and in the name of the Attorney General, or in any other form that may be proper, proceed as hereinbefore directed against the said Richard France, his assignee or assignees, or any other person claiming or pre-*

Governor to appoint counsel to assist the Att'y Gen'l.

Powers of counsel appointed by the Gov'r.

Compensation to counsel.

How paid.

tending to exercise any of the grants, liberties or privileges in the said hereinbefore in part recited act contained and specified, and, for compensation for their services in that behalf, the Governor is authorized to draw a warrant on the State Treasurer for such sum as he shall deem reasonable.

Passed at Dover, January 28, 1862.

CHAPTER 197.

An Act to establish the Brandywine and Centreville Cemetery of Christiana Hundred.

Preamble.

WHEREAS the following persons, viz: Doctor J. P. Chandler, John B. Barney, J. Poulson Chandler, David Martin and James Martin, have, for the accommodation of the neighborhood, purchased a certain lot or tract of land of about two acres, situate on the southerly side of the Kennett Turnpike, adjoining the lands of "The Lower Brandywine Presbyterian Church" in Christiana Hundred, are preparing the same as a public cemetery and have desired that they and their successors, as directors or proprietors, may be incorporated for managing the affairs thereof with such powers as are necessary for that purpose; and whereas, it seems reasonable and necessary to provide for the permanence of the establishment, so that those who bury there may be assured of continued protection to the remains of their relatives and friends who have been committed to the earth, and the decent preservation of the ground; therefore,

Members incorporated.

Name.

Powers.

Restrictions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein.)* That the said Dr. J. P. Chandler, John B. Barney, J. Poulson Chandler, David Martin and James Martin, and the other proprietors of burial lots in the aforesaid cemetery be, and they are hereby constituted a corporation by the name of "The Brandywine and Centreville Cemetery Company of Christiana Hundred," with capacity and power to take and hold by contract, devise, bequest, gift, assignment or purchase, lands, goods and property; to alien, transfer, use and dispose of the same, sue and be sued, have a common seal, make by-laws, and with all other the franchises incident to a corporation, subject to the following restrictions, viz: The said corporation shall not have or exercise any banking powers, nor hold property, real and personal, of a greater amount than ten thousand dollars over and above the land aforesaid and such other land as may be added

to the said Cemetery and the buildings, fences, fixtures and burial lots in the said Cemetery and belonging to the same.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said corporation shall be perpetuated by the transmission or transfer of burial lots, and be capable in law, when a majority of the Directors shall deem it conducive to the interest or convenience of the Association, to purchase adjoining lands for the enlargement of the Cemetery; such addition or additions to be made under the provisions of this act. *Provided,* That it shall not be lawful for the said corporation to acquire by purchase, or otherwise, more land, beyond the quantity of two acres specified in the preamble to this act, than shall be actually necessary for burial purposes.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the grounds and properties of the said Cemetery shall hereafter be exempted from taxation, and the estate of the proprietors, respectively, in their respective lots shall be of qualified inheritance, that is to say: the same shall descend as real estate to heirs, but it shall not be levied on, nor taken by execution nor any process of law or equity, and it shall not be aliened or devised, so as to vest any right in the alienee or devisee, without the approval of the Board of Directors, and the said lots shall be held subject to the constitution, by laws and regulations of the said corporation. *Provided,* That the said exemption from attachment, execution, &c., shall not extend to more than the lot or lots designed or actually used for family sepulture.

SECTION 4. *And be it further enacted by the authority aforesaid,* That no street, road, lane or walk shall be opened, made or laid out through or upon the land aforesaid or any adjoining land which may be added to the said Cemetery, except by and with the consent of the corporation; and all the regulations and the entire management of the Cemetery shall be under the exclusive control of the Directors thereof.

SECTION 5. *And be it further enacted by the authority aforesaid,* That the Directors aforesaid may contract debts upon their own responsibility for the benefit of the Cemetery, and in order to enable the Directors to pay the debts already contracted by them, or which may hereafter be contracted, or to re-imburse to them any money which they, or either of them, may advance in payment of such debts or otherwise for the use of the Cemetery, they shall have a claim and lien upon the proceeds of the sales of burial lots in the Cemetery, and such proceeds shall be applied to the payment of such debts or the re-imbursement of such advances, so as fully to indemnify the Directors in the premises. And if a Director be removed from office, this lien or claim shall be valid to him, his heirs, executors and administrators.

Corporation to be perpetuated by the transfer of burial lots. May purchase adjoining lands when necessary. *Provided.*

Property of corporation to be exempted from taxation. Proprietors of lots have a qualified estate of inheritance therein. Lots to be held subject to the regulations of the corporation. *Provided:*

No road, street or walk to be opened without consent. Directors to have sole management of the cemetery.

Directors may contract debts for the benefit of the cemetery.

To have a lien upon the proceeds of sale of burial lots. Lien of director not to be impaired by his removal from office.

Certificate of burial lot to be a sufficient title thereto.

Records and record books to be evidence. Certified copies to be evidence.

Penalty for injury to property of corporation.

Penalty for placing matter in cemetery in violation of the regulations. Justices of the Peace in N. C. County to have cognizance to try offences. Double costs to be awarded to plaintiff.

To be considered a corporation for public improvement.

SECTION 6. *And be it further enacted by the authority aforesaid,* That certificates of burial lots, according to the form prescribed by the Board of Directors, signed by the President and attested by the Secretary, shall be a valid and sufficient title. The records and record-books of the corporation, kept by the Secretary, under the constitution, shall be competent evidence in any court of law or equity; and copies of said records and of entries in said books, certified by the Secretary, shall also be competent evidence in such courts.

SECTION 7. *And be it further enacted by the authority aforesaid,* That any person who shall willfully do any injury to the said Cemetery, or the buildings, fences or fixtures thereof, or the monuments or trees therein, or the shrubbery, or commit any trespass on the said land, shall pay to the corporation, for every such injury or trespass, the sum of two dollars; and for wilfully doing the same injury, or an injury of the like kind, or committing a like trespass a second time, the sum of three dollars; and for wilfully doing an injury of the like kind, or committing a like trespass a third time, the sum of six dollars; or in every such case the corporation may elect to proceed for damages, and in that case shall recover treble damages. If any person shall place any matter in the Cemetery in contravention of the regulations of the Board of Directors or of the constitution, and shall not remove the same upon request and pay all damages, he shall be deemed a trespasser *ab initio*. The Justices of the Peace for New Castle County shall severally have jurisdiction of all injuries, trespasses, and causes of action arising under this Section, if the damages do not exceed one hundred dollars. In every case of recovery double costs shall be awarded to the plaintiff.

SECTION 8. *And be it further enacted by the authority aforesaid,* That this is an incorporation for public improvement and shall be considered a public act, but with the power of revocation reserved to the Legislature.

Passed at Dover, January 29, 1862.

CHAPTER 198.

An Act to amend Section 28 of Chapter 60 of the Revised Statutes of the State of Delaware.

Section 28 of Chapter 60 of the Revised Code amended.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 28th of Chapter 60 of the Revised Statutes of the State of Delaware

be, and the same is hereby amended by adding at the end of the second paragraph thereof the following, viz: "The Levy Court in the county in which such bridge is located may sue for and recover the damages so done to any pivot-bridge or drawbridge as aforesaid, and if such bridge shall be located on the line between two counties, suit may be brought and recovery had for such damages by the Levy Court in either of said counties."

*How amended.
Levy Court may sue for damage to bridge.*

Passed at Dover, January 30, 1862.

CHAPTER 199.

An Act to vacate a portion of a certain Public Road in Milford Hundred in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* that portion of a public road, situated in Milford Hundred in Kent County, laid out in the year of our Lord one thousand eight hundred and fifty-two, leading from a point in the road which leads from the town of Frederica to Shirley's Bar to Bennett's Landing, which passes through lands of Edward Ridgely, beginning at a point in the said main road leading from Frederica to Shirley's Bar aforesaid, and running thence from said road to a point where it intersects an old road in or near the dividing line between lands of the said Edward Ridgely and lands now or late of William Thompson, (the courses and distances of which said portion, as returned by the Commissioners appointed to lay out said road are as follows, viz: "Beginning at a point in the main road leading from Frederica through Milford or Mispillion Neck to the mouth of Murderkill Creek and near James Sipple's land, and running thence on woodland of the heirs of Henry M. Ridgely deceased, north fifty-seven degrees east sixty-one perches to a corner on woodland of the said Ridgely's heirs, thence north sixty-eight degrees east — perches to the division line between land of the said Ridgely's heirs and land now or late of William Thompson"), be and the same hereby is vacated and declared no longer to exist.

Portion of road in Milford Hund., Kent Co., vacated.

SECTION 2. *And be it further enacted, That* it shall be lawful for the said Edward Ridgely, his heirs and assigns, and he and they are hereby authorized and empowered, to stop up or cause to be stopped up that portion of said road hereby vacated by erecting a fence or fences across the same or in any other manner that he or they may deem proper.

Ed. Ridgely authorized to stop up part vacated.

Act may be given in evidence under the general issue.

SECTION 8. *And be it further enacted, That in any prosecution or proceeding for stopping up or obstructing the portion of said road hereby vacated, it shall be lawful to give this act in evidence under the general issue, and the same shall be a full and complete defence.*

Passed at Dover, January 30, 1862.

CHAPTER 200.

An Act appointing Commissioners to lay out a Public Road partly in New Castle and partly in Kent Counties.

Commissioners appointed to view the premises and determine the necessity for a road:

If deemed necessary authorised to lay out said road.

Two plots to be made. What the plots shall show.

Estimate of costs of making road.

What the return shall set forth.

Plot to be annexed to each return.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Joseph Wells and Thomas Middleton of New Castle County, Thomas Lamb, John Mustard and Enoch Spruance of Kent County be, and they are hereby, appointed Commissioners to go upon and view the premises, and determine whether a new public road is actually needed leading from Sassafras Crossing, on the Delaware Railroad, in New Castle County, to the Smyrna Station in Kent County, and, if they or a majority of them shall determine that there is need of such public road, they shall, with the assistance of some skillful Surveyor, to be elected by them; lay out such public road as they shall deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause two plots thereof to be made, representing the courses and distance thereof, with notes of the most remarkable places, and of the woodlands, cleared land and improvements by or through which the same shall pass; and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon in each of said counties of New Castle and Kent, setting down the several items of said costs, and, if a road be laid out, shall in their returns set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said returns the aforementioned plots, to wit: one plot to each return, on which shall be shown the part of said road which shall be in New Castle County, and the part which shall be in Kent County.*

SECTION 2. *And be it further enacted as aforesaid, That the*

plots so to be made as aforesaid by said Commissioners shall be returned, one to the Clerk of the Peace in and for New Castle County aforesaid, and one to the Clerk of the Peace in and for Kent County aforesaid, to be by them laid before the Levy Court of the said counties respectively, and the said Levy Court may establish so much of said road as shall be within their respective counties as a public road or highway, and shall settle such damages as shall have been assessed by said Commissioners to persons in their respective counties, and when said road shall have been so established as a public road by the Levy Court of said counties respectively, the same shall be and remain subject to the same regulations and laws as other public roads in said counties respectively.

One return to delivered the Clerk of the Peace of N. C. Co., and the other to the Clerk of the Peace of Kent Co. To be laid before Levy Court of each county. When established to be a public road.

SECTION 3. The said Commissioners and Surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill, which oath or affirmation may be administered by any officer qualified to administer oaths in either of said counties, or either of said Commissioners may administer the same to any other of said Commissioners or the Surveyor. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed Commissioner or Commissioners by any Judge of this State, or by any Justice of the Peace in either of said counties.

Commissioners and surveyors to be sworn.

Who may administer the oath.

Acts of a majority to be valid.

Vacancies, by whom filled.

Passed at Dover, January 30, 1862.

CHAPTER 201.

An Act authorizing Deputy Sheriffs to administer oaths.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That it shall and may be lawful for the respective Sheriffs of the several counties of this State now holding office, or hereafter to be elected, to appoint deputies, who shall have full power and authority to administer oaths in all cases in which, by the laws of this State, an oath is authorized and required to be administered by the Sheriff; and that, in all cases in which the oath is administered by a Deputy now appointed, whose appointment is recorded in the Recorder's Office in and for the county in which the Sheriff and Deputy reside, and in all cases in which the oath shall be administered by an appointed Deputy hereafter made and recorded as afore-*

Sheriff may appoint deputies.

Deputies may administer oaths.

Oath to be
effectual
as if admin-
istered by
Sheriff.

said, the oath so administered, or to be administered, shall be as effectual in law as though it had been done by the Sheriff himself from whom the appointment issued.

Passed at Dover, January 30, 1862.

CHAPTER 202.

An Act to authorize Elijah Satterfield to change a certain public road in Milford Hundred, Kent County, Delaware.

E. Satterfield
authorized
to open a
new road.
Where to be
opened.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Elijah Satterfield be, and he is hereby authorized and empowered to open a new road between the roads leading from Dallaver's X Roads to Milford and to Milford neck, on a line between the lands of the said Satterfield and William Tharp, so as to connect the said roads.

When open-
ed to be a
public road.

Part of old
Milford Neck
road vacated

SECTION 2. *Be it further enacted by the authority aforesaid,* That the road so opened and put in good order for public travel, at the expense of the said Elijah Satterfield, shall be a public road, and that the old Milford Neck road, from its intersection with the road from Dallaver's X Roads to Milford to the new road, shall be vacated whenever the said new road shall be accepted by the Levy Court of Kent County.

Passed at Dover, January 30, 1862.

CHAPTER 203.

An Act authorizing the laying out a Public Road in Murderkill Hundred, Kent County.

Commission-
ers appoint-
ed to open a
public road.

Course of
road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Jehu M. Reed, Isaac Godwin, Risdon Williams, Thomas H. McIlvain, and Samuel Warren be, and they are hereby, appointed Commissioners to open and lay out a public road in Murderkill Hundred, Kent County, beginning in the road leading from Frederica to Dover, at the division line between lands of Thomas James and Joseph Burchinal, thence, as near as practicable, down the division line between the said lands of James and Burchinal afore-

said, thence through lands of Samuel Barr to the causeway across the Mill Branch, thence through lands of the widow of William Saulsbury—now occupied by the widow of Cornelius Johnson—out to the main road leading from Barrett's Chapel to Canterbury, near a small tenant-house in the occupancy of William Lowber, (n.); and the aforesaid Commissioners, or a majority of them, shall have authority, and they are hereby required to cause the same to be opened and laid out as aforesaid, and to assess any damage which may accrue to the owner or owners of said lands through which the said public road shall pass.

Commissioners to assess damages to owners of lands.

SECTION 2. *And be it further enacted*, That if the said Commissioners, or a majority of them, shall deem it necessary, they shall have power to call to their aid a skillful Surveyor to run out and locate said road.

Commissioners may employ a surveyor.

SECTION 3. *And be it further enacted*, That the aforesaid Commissioners shall cause a map of the courses and distances of the aforesaid public road to be made and returned to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of said county, and if the said Levy Court approve of the aforesaid road, so laid out, they then may make such allowances as will be necessary to open and make the aforesaid road.

Map of road to be returned to Clerk of the Peace.

To be laid before Levy Court.

SECTION 4. *And be it further enacted*, That the owners of the lands through which the said road shall pass shall have, and are hereby granted the space of one year, from and after the passage of this act, in which to fence the same, and that in the interim it shall be lawful for them, respectively, to erect gates on their several division lines.

Owners of lands to have a year to fence.

May erect gates within the year.

SECTION 5. *And be it further enacted*, That the Commissioners, before entering upon the duties hereinbefore mentioned, and the Surveyor, if any be employed, shall be severally sworn or affirmed to perform the duties imposed upon them by this act, faithfully and impartially, according to the best of their skill and judgment. The Commissioners shall receive for every day they are engaged in the performance of their duties under this act, the sum of one dollar each, and the Surveyor a reasonable compensation for his services.

Commissioners and surveyor to be sworn.

Compensation to Commissioners and surveyor.

SECTION 6. *And be it further enacted*, That if any person or persons shall injure or destroy the gates authorized to be erected by this act, during the period for which they are hereby authorized to be erected, or either of them, or open them or either of them, and leave them or either of them open, he, she, or they shall forfeit and pay for every such offence a sum not exceeding five dollars, which may be recovered as debts of like amount are recoverable by the laws of this State, by any person who shall sue for the same, and shall also pay to the person or persons injured all damages that may be sustained by reason of such neglect

Penalty for injuries to gates on the road.

How recovered.

Proviso.

Owners to keep the gates in good repair.

or willfulness. *Provided*, It shall be the duty of the owner or owners, through whose lands the said road shall pass, to keep the respective gate or gates upon or between their said lands in good repair and convenient to be opened and shut.

Passed at Dover, January 31, 1862.

CHAPTER 204.

An Act to authorize the Levy Court of New Castle County to purchase or acquire a lot of land in Appoquinimink Hundred near to Taylor's Bridge.

Levy Court of N. C. Co. authorized to purchase a lot of land of not more than ten acres. Where to be situated. For what purposes to be used.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That it shall and may be lawful for the Levy Court of New Castle County to purchase and hold a lot of land, containing not more than ten acres, to be selected by a committee of said Court appointed for that purpose, and situate in Appoquinimink Hundred, in the County aforesaid, near to the bridge over Blackbird Creek, known as Taylor's Bridge, for the purpose of erecting thereon a dwelling-house for the keeper of said bridge, and for the purpose of procuring therefrom earth, gravel, and other materials necessary for roads, bridges and causeways in said hundred, and for such other uses and purposes as the said Levy Court may from time to time direct.

Proceeding in case Levy Court and owners of land selected cannot agree upon the price.

Superior Court of N. C. County to appoint five freeholders to assess the damages.

Freeholders to give owners five days notice. To be sworn.

Shall view the land, and cause a plot to be made.

SECTION 2. *And be it further enacted*, That if the said Levy Court and the owner or owners of the land selected by said Committee of said Levy Court as aforesaid, shall not be able to agree upon the terms of the purchase of said land, the Superior Court in and for New Castle County, upon the application of the said Levy Court, made by a resolution of said body, duly certified to the said Superior Court, shall by an order appoint five judicious and impartial freeholders of said County, not being inhabitants of Appoquinimink Hundred, who shall assess the damages which the owner or owners of said land, selected as aforesaid, will sustain by reason of the same being condemned and taken for the use of the public. The said freeholders shall give to the owners or occupiers of said land five days written notice of the day when they will meet upon said land; and said freeholders and the Surveyor selected by them, being first duly sworn or affirmed faithfully and impartially to perform the duties enjoined upon them by said order, shall view the said land, and shall cause a plot and description to be made of the same; and the said freeholders or a

majority of them shall, pursuant to said order, assess the damages to the owner or owners of said land. The said freeholders, or a majority of them, shall make return of their proceedings in the premises, under their hands, to the said Superior Court at the term next after the making of said order. The return of said freeholders shall not be conclusive, but, in case either party shall be dissatisfied with the damages, such party may, on the said return being made, apply to the Court for the appointment of five other suitable and impartial freeholders, as aforesaid, not being residents in Appoquinimink Hundred, to review the determination of the preceding freeholders, and make return to the next term of the said Superior Court. The return of such last-mentioned freeholders shall be conclusive, and, upon the payment of the damages assessed by them, in case a review be asked, or in case no review being demanded upon payment of the damages awarded by the return of the freeholders first appointed, then said land shall become and be the property of the said Levy Court for the purposes before mentioned. In case the owner or owners of said land shall be incapable, or unwilling, or neglect to receive said damages, the said Levy Court may deposit the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, or any branch thereof, and such deposit shall operate as payment of said damages.

Shall assess the damages
Shall make return of their proceedings to Superior Court at the next term.
Return not to be conclusive.

Either party may apply to the Court for a review.

Return of last appointed freeholders to be conclusive.
Upon payment of damages to be the property of L. Court.

Damages assessed may be deposited in Farmers' Bank.

SECTION 3. *And be it further enacted*, That, upon the purchase or condemnation of said land as hereinbefore provided, the said land and the hereditaments and appurtenances thereunto belonging shall belong to and be vested in the said Levy Court of New Castle County, their successors in office and assigns, for the uses and purposes mentioned in the first Section of this act. Action may be brought for the recovery of damages for injuries to the aforesaid lot of land, or its appurtenances, in the name or names of the Levy Court Commissioner or Commissioners, or in the names of the Road Commissioners who may have charge of the aforesaid bridge over Blackbird Creek.

Land to be vested in the Levy Court.

Actions may be brought for injuries to the land, by whom.

Passed at Dover, January 31, 1862.

CHAPTER 205.

An Act to amend Chapter 59 of the Revised Statutes of the State of Delaware.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Section*

Section 7 of
Chapter 59
of the Re-
vised Code
amended.
How amend-
ed.

Said Chap-
ter to be
published as
amended.

7 of Chapter 59 of the Revised Statutes of the State of Delaware be, and the same is hereby, amended by inserting in the tenth line thereof, after the word "vote," and before the word "in," the words "either in person, or by proxy duly executed under the hand and seal and attested by two witnesses;" and in any edition of the laws hereafter to be printed, the said Chapter shall be printed as hereby amended.

Passed at Dover, January 31, 1862.

CHAPTER 206.

Chapter 59 of the Revised Code—AS AMENDED.

OF DITCHES.

- Sec. 1. Ditches; how laid out by order of court.
2. Survey; return; plot; oath.
3. Damages to be awarded and paid.
4. All who are benefitted shall contribute.
5. Reviews.
6. Bridges; when to be kept up at public charge.
7. Meeting of taxables to elect managers, &c.
Notice; voters.
8. The return is a basis for tax for five years.

- Sec. 9. Managers' duty; accounts; orders.
Payment of tax by work.
10. Treasurer's powers; bond; settlement; fees.
11. How cross ditches are laid out and cut.
12. If ditch not made in seven years, proceedings void.
13. Penalty for obstructing ditches.
14. Construction of this chapter.
15. Vacancies; how filled.
16. Fees.

Order to lay
out ditches.

SEC. 1. Whenever three or more of the owners of any low ground shall desire to drain the same, the Superior Court shall, on their petition, appoint three Commissioners, who shall view the premises, and if they shall deem it proper, lay out ditches for that purpose.

Manner.

SEC. 2. The Commissioners shall take with them a competent Surveyor, shall specify the courses, distances, and sizes of every ditch they shall lay out, the estimated cost of making the same, the damages, if any, and to whom payable, and the proportion which each person benefitted shall pay. They shall make return in writing, with a plot showing by general delineation, without survey, the boundary lines of the low grounds, and of each taxable's portion thereof, or of any land benefitted, and the estimated number of acres.

Return.

Plot.

Oath.

The Commissioners and Surveyor shall be sworn to the faithful and impartial discharge of duty. All must act, but a majority may decide any matter.

Damages.

SEC. 3. The Commissioners shall award to any person, who will be injured by the making any such ditch, damages to the amount of such injury, and the same shall be paid, or tendered, before cutting the ditch.

SEC. 4. All persons who will be benefitted by such ditch, shall ^{Who pays.} be liable to contribute to the cost of making the same, and to the damages awarded, and the expenses of the proceedings.

The Commissioners shall determine who will be benefitted, and shall apportion the same upon them, according to such benefit.

SEC. 5. The Court may, before confirmation of the return, grant ^{Review.} orders of review, on the application of any party interested.

SEC. 6. If any public road, crossed by such ditch, will be benefitted, so that the public ought to make and maintain the bridge ^{Bridges.} over the same, the Commissioners shall so state in their return; and such bridge shall then be made and kept up at the public charge.

SEC. 7. The Commissioners making any return that shall be confirmed, shall within one month after such confirmation, convene the persons liable to contribute to any ditch embraced therein, for the purpose of choosing from said contributors two managers ^{Meeting of contributors} and a Treasurer of the ditch to serve for one year, and until others ^{Managers. Treasurer.} are chosen.

Notice of the time and place of this meeting shall be posted in ^{Notice.} four public places of the neighborhood six days before the meeting. The managers shall annually thereafter, in the same manner, call a meeting, for the same purpose, on the first Saturday in March.

At all meetings, the taxables present shall be entitled to vote ^{Voters} either in person, or by proxy duly executed under the hand and seal and attested by two witnesses, in proportion as each is liable to contribute; that is to say: each taxable shall be entitled to one vote for every dollar of tax paid by him.

SEC. 8. The return, as confirmed by the court, shall remain in ^{Assessment lasts five years.} force for five years thereafter, as the basis of any subsequent assessment that may be made by the managers for completing, cleansing, or repairing the ditch, or other necessary purpose. After five years, a new assessment may be had by application of three or more taxables to the Court, and by the same proceedings as on an original petition.

SEC. 9. The managers, chosen as aforesaid, shall proceed to make and open ditches according to the return confirmed as aforesaid, or to cleanse and repair the same as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures, and render the same to the yearly meeting of taxables. All payments shall be made by orders drawn by them on the Treasurer. Any person assessed ^{Managers' duty.} for a tax, may discharge the same by work done by direction of ^{Accounts.} the managers, and their certificate shall be received by the Treasurer in payment of the tax. ^{Orders. Payment of tax by work.}

Treasurer's
power to col-
lect taxes.

His bond.

Settlements.

His fees.

SEC. 10. The Treasurer shall collect all sums assessed as aforesaid, and shall have the same power herein as a Collector of County rates. He shall give bond to the taxables, with surety to be approved by the managers, in double the amount of the assessment which he may be authorized to receive, conditioned for the faithful performance of his duty, and for the payment to his successor of any money due from him. He shall settle with the taxables at their annual meeting, and shall be entitled to retain five per cent. on the amount received, as compensation.

Cross ditch-
es; how cut.
Proviso.

Cost.

Contribution

SEC. 11. Any person taxed for a ditch which does not pass through his land, may, at his own expense, open and keep open cross ditches into the same: *Provided*, That such cross ditch shall not be cut through the land of any other person without his consent, unless it shall be laid out, and the damages assessed, by the Commissioners appointed to lay out the main ditch, or other three Commissioners to be appointed by the Superior Court for that purpose. The person applying for such cross-ditch, shall pay all costs of making and opening the same; and shall also, before making it, pay or tender all damages awarded. But any person benefitted by such cross-ditch, shall contribute and pay so much of such damages, costs, and expenses, as the Commissioners shall determine to be his fair proportion thereof.

Limitation.

SEC. 12. Ditches, so opened, shall remain open for the benefit of those liable to contribute therefor; but if any ditch shall not be begun within two years from the confirmation of the return, or shall not be completed within seven years thereafter, the whole proceeding shall be void.

Obstructing
ditch.
Penalty.

SEC. 13. If any person shall stop up, or obstruct, any ditch cut under this chapter, he shall forfeit and pay to the managers, for the use of the ditch, not less than two nor more than twenty dollars.

Construc-
tion.

SEC. 14. This chapter shall apply to all ditches laid out, or to be laid out, under any order of Court, for completing, extending, enlarging, or cleansing thereof; but it shall not conflict with, nor be construed to alter, any special law for ditching or draining low grounds.

Vacancies.

SEC. 15. If any Commissioners, appointed under this chapter, shall die, or be unable to act, any judge of the Superior Court, in vacation, may appoint another in his place.

Fees.
Commis-
sioner.
Managers.

Surveyor.
Prothono-
tary.

SEC. 16. The fees under this chapter shall be: To each Commissioner, one dollar per day; to the managers, each, one dollar, for each day actually spent in the discharge of their duties; to the surveyor, such reasonable sum as shall be agreed on by the parties, or taxed by the Court; to the Prothonotary, for order certified under seal, one dollar—for confirmation of a report, fifty cents.

CHAPTER 207.

An Act to amend Section 63 of Chapter 111 of the Revised Code in relation to the Lien of Executions as against subsequent execution creditors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 63 of Chapter 111 of the Revised Code be, and the same is hereby repealed, and the following inserted in lieu thereof, viz: Section 63 of Chapter 111 of the Revised Code repealed.

"SECTION 63. An execution shall not bind goods and chattels until it is delivered to the Sheriff or other proper officer to be executed. An execution shall, from the time it is so delivered, bind all the goods and chattels of the defendant within the bailiwick, which shall be actually levied upon within sixty days thereafter. No levy upon goods and chattels, made by virtue of execution process, shall be of any force or effect as against a subsequent execution levied upon the same goods and chattels for a longer period than three years from the making of such first mentioned levy." Execution binds from delivery, if levied in 60 days.
No levy to bind longer than three years against subsequent executions.

Passed at Dover, January 31, 1862.

CHAPTER 208.

A Supplement to the Act entitled "An Act to authorize the Laying out a Public Road in Kent County," passed at Dover, January 24, 1861.

WHEREAS by virtue of the authority contained in the act passed at Dover, January 24, 1861, authorizing the laying out a public road in Kent County, a majority of the Commissioners appointed by said act laid out a public road and returned their proceedings to the proper officer; and whereas the Levy Court of Kent County have approved of the action of said Commissioners and the said road, and made appropriations for the opening of said road, and the overseer appointed by the said Levy Court has expended the money appropriated for said road, and has opened the road for more than one-half its length, Del. Laws, vol. 12, p. 10. Preamble reciting the laying out of the road and the approval of the L. Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the public road opened by the Commissioners appointed by said act be, and the same is hereby declared to be a public road, and the overseer appointed by the Levy Court of Kent County is Road as laid out declared to be a public road.

Overseer
to open said
road.

hereby authorized, empowered and required to proceed and open said road and preparing it for public travel.

Passed at Dover, January 31, 1862.

CHAPTER 209.

An Act to authorize Thomas Lynam to lay out a Private Road in Christianna Hundred, New Castle County.

Thos. Lynam author-
ized to lay
out a new
road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Thomas Lynam be, and he is hereby, authorized and empowered to locate and lay out a new road, at his own expense, through his own lands, beginning at a point in the public road leading from the Wilmington and Newport Turnpike road to the Newport and Gap Turnpike road, thence along the division line between lands of the said Lynam and lands of Thomas Derrickson to the corner of Thomas Derrickson's land aforesaid, thence through the land of the said Lynam to the corner of Henry Burton's land, thence along the division line between the lands of the said Burton and Lynam to a lane between lands of said Burton and lands of Thomas Anderson, thence across the said lands along the division line between lands of the said Lynam and Anderson aforesaid until it intersects the division line between lands of the said Lynam and lands of Christian Keefer.

Course of
road.

Thos. Lynam author-
ized to va-
cate an old
road.

SECTION 2. *And be it further enacted as aforesaid, That* said Thomas Lynam shall have the power, and he is hereby authorized, after he shall have opened the said new road, to vacate a road already opened through his lands to the said public road leading from the Wilmington and Newport Turnpike aforesaid to the Newport and Gap Turnpike aforesaid. *Provided, That* all the charges and costs of opening and fencing the new road aforesaid and of vacating the old one, shall be borne by the said Thomas Lynam as aforesaid.

Where.

Expenses to
be paid by
said Lynam.

Passed at Dover, January 31, 1862.

CHAPTER 210.

An Act to lay out a Public Road in Appoquinimink Hundred, in New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James V. Moore, Isaac Price, Robert Derrickson, Isaac Staats and Nathaniel Williams be, and they are hereby, appointed to go upon the premises, and determine whether there is need of a new public road in Appoquinimink Hundred, in New Castle County, commencing at or near the gate opening into Milligan's lane on the road leading from Odessa to Taylor's Bridge, thence with said lane to a stake in the corner of Daniel Corbit's peach orchard, thence northerly with said orchard through meadow land of said Corbit and land of John Appleton and David W. Thomas to the road leading to Thomas' Landing; and if they or a majority of them shall determine that there is need of such new public road they shall, with the assistance of some skillful Surveyor, to be selected by them, lay out the said new public road. The said Commissioners shall make a map of said road showing its courses and distances, the woodland and cleared land through which it passes, and other proper notes; and shall assess the damages of every the owners and holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein, separately, and shall make said map, assessment of damages, and computation of cost part of their return, and shall return their proceedings to the Court of General Sessions of the Peace and Jail Delivery at its then next session in and for New Castle County. The effect of such return, when the same shall have been made, shall be the same as if the said return had been upon proceedings had upon petition to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, to lay out a public road, and the same persons had been appointed by the said Court and had duly made return of their proceedings.

Commissioners appointed to determine the necessity of a new road.

Course of road.

If deemed necessary to lay out the road.

Map of road what to show.

Shall assess the damages to owners of lands.

Shall compute the costs of making the road.

Proceedings to be returned to Court of General Sessions of the Peace and J. Delivery for N. C. Co.

Effect of return.

SECTION 2. *And be it further enacted,* That all subsequent proceedings in relation to said road shall be the same as provided by law in reference to laying out public roads generally in New Castle County, and when the Levy Court shall have approved the said road, it shall be deemed and taken as a public road of New Castle County and be subject to the same laws and regulations that govern the public roads therein laid out under the provisions of Chapter 60 of the Revised Statutes.

Subsequent proceedings to be the same as directed by law.

To be a public road.

SECTION 3. *And be it further enacted,* That the said Commissioners and Surveyor, before viewing the premises, shall be seve-

Commissioners and surveyor to be sworn. Oath, by whom administered. Majority may determine any matter. Vacancies how filled. Fees to commissioners, surveyor and chain carriers.

rally sworn or affirmed faithfully and impartially to perform the duties incumbent on them, respectively; either of said Commissioners may administer the oath or affirmation to the others and to the Surveyor; a majority may do or determine any matter. In case of a vacancy another or other Commissioners may be appointed by the Chief Justice of the Superior Court in vacation, whose duties shall be the same as hereinbefore provided. The fee of the Commissioners, Surveyor and Chain-Carriers shall be the same as provided by law for such services in case of laying out public roads, and be paid in like manner.

Passed at Dover, February 3, 1862.

CHAPTER 211.

An Act relating to Arrests in Civil Cases in the State of Delaware.

Non-resident plaintiff not to arrest on mesne process non-resident defendant for debt contracted without the State.

Remedy of non-resident defendant in case of unlawful arrest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* from and after the passage of this act, it shall not be lawful, at the suit of any non-resident, to arrest and hold to bail on mesne process any person who may be a non-resident of this State at the time of issuing such process against such person or persons, for any debt contracted without the limits of this State. If any such non-resident shall be so arrested, he may apply by petition in writing to any Judge of this State, setting forth his residence and the State in which said debt was contracted, and it shall be the duty of said Judge, on the production of satisfactory proof that the plaintiff was a non-resident at the time of issuing the process, and also that the petitioner is a non-resident of this State, and that the debt on which said petitioner was arrested was not contracted in this State, to discharge said petitioner from custody; but this act shall not be construed as affecting in any degree the law of attachment.

Del. Laws, vol. 11, p. 112. Act of March 3d, 1853, repealed.

SECTION 2. *Be it further enacted, That* "An act relating to arrests in civil cases in the State of Delaware," passed at Dover, March 3d, 1853, be, and the same is hereby, repealed, made null and void.

Passed at Dover, February 4, 1862.

CHAPTER 212.

An Act to authorize the Prothonotary of New Castle County to record a certain paper in his office.

WHEREAS in the year of our Lord one thousand seven hundred and sixty, certain proceedings were had in the Court of Common Pleas of the State of Delaware in and for New Castle County, under a writ or precept under the hands and seals of David Bush and James McMahan, Esquires, Justices, dated the ninth day of August in the same year of seventeen hundred and sixty, "to condemn and value the lands, &c., through which a mill race, &c., was prayed for to convey water to a mill or mills to be erected near the old Ferry Place, on the west side of Brandywine Creek, by Daniel Byon and William Moore," which proceedings were duly returned and confirmed by the said Court, and filed in the Prothonotary's Office in and for said County; and whereas said proceedings duly filed as aforesaid, have been lost, and the only evidence thereof now existing is a certified copy of said proceedings duly attested, under the hand and seal of office of William Till, then Prothonotary for said County: Now therefore, for the better preservation of said copy,

Preamble,
reciting the
loss of a cer-
tain paper.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall be lawful for the said Prothonotary of the Superior Court of the State of Delaware in and for New Castle County, and he is hereby directed and required, to file and enter of record in said office the said duly certified copy of the proceedings aforesaid; and the said duly certified copy and record thereof, or any copy of said record duly attested, under the hand of the Prothonotary and the seal of his office, shall be evidence in all courts of law or equity in this State for any purpose whatsoever.

Prothonota-
ry of N. C.
County di-
rected to re-
cord the
copy.

Record and
attested
copy thereof
to be evi-
dence.

Passed at Dover, February 4, 1862.

CHAPTER 213.

A Supplement to the Act entitled "An Act to create a Board of Fire Wardens in the City of Wilmington," passed at Dover, March 5, 1861.

WHEREAS the several fire companies in the City of Wilmington failed to elect delegates on the first Tuesday in June, in the year one thousand eight hundred and sixty-one, as provided in the first Section of the act entitled "An act to create a Board of

Preamble
reciting fail-
ure of Fire
Companies
to elect dele-
gates.

Fire Wardens in the City of Wilmington," passed at Dover, March 5, 1861, whereby it has become impracticable to carry into effect the provisions of said act, for remedy thereof,

Fire Companies may elect delegates on the 1st Tuesday of June, 1862.

Delegates to have the same power as if they had been elected on 1st Tuesday of June 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring),* That it shall be lawful for the said fire companies, on the first Tuesday in June, in the year one thousand eight hundred and sixty-two, to do and perform all the acts specified in said act to be done and performed on the first Tuesday in June, one thousand eight hundred and sixty-one, and on the same day annually thereafter, and the said act shall be read and construed as if the acts, to be done and performed on the first Tuesday in June, one thousand eight hundred and sixty one, had been enacted to have been done and performed on the first Tuesday in June one thousand eight hundred and sixty-two.

Passed at Dover, February 4, 1862.

CHAPTER 214.

An Act to authorize the Levy Court of Kent County to correct certain assessments.

L. Court of Kent County authorized to correct certain assessments of real property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Levy Court of Kent County be, and they are hereby authorized to examine assessments of the real estate assessed to Joseph P. Comegys and Thomas A. Newhall, Trustees, &c., to said Comegys and William R. Wister, Trustees, &c., and to Gustavus G. Logan, and make any corrections or alterations thereof, or of either of them, that may be deemed just and equitable with reference to the assessment of the lands in the same neighborhood, so that there shall be no ground of complaint on the score of inequality.

Passed at Dover, February 4, 1862.

CHAPTER 215.

An Act in relation to Chancery Jurisdiction in reference to Relief from Forfeiture.

WHEREAS pretences have been set up and doubts suggested as Preamble.
to the extent of chancery jurisdiction in this State in cases of forfeiture, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That no Court of Chancery, or person exercising chancery jurisdiction, within this State, shall have power to relieve from any forfeiture now incurred, or hereafter to be incurred, by the non-performance of any condition contained in or annexed to any gift, grant or contract to which the State is or may be a party, but such forfeiture, when insisted on and declared by the General Assembly, and the cause thereof ascertained or admitted to exist, shall be absolutely final and unrelievable. Chancellor prohibited from relieving against forfeiture when the State is a party and insists upon the forfeiture.

Passed at Dover, February 5, 1862.

CHAPTER 216.

An Act amending the act incorporating the Town of Middletown, passed at Dover, February 12, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring), That the fourth Section of the act entitled "An Act to incorporate the Town of Middletown," passed at Dover, February 12, 1861, be, and the same is hereby amended, to wit: by striking out the words "Levy Court of New Castle County, but the said Levy Court," in line 6 of said section and inserting in lieu thereof the words "Road Commissioners of St. Georges Hundred, but the said Road Commissioners;" also by striking out the word "fifty" in line 8 of the said section and inserting in lieu thereof the words "one hundred," and by striking out the words "Levy Court" in line 11 of the same section and inserting in lieu thereof the words "Road Commissioners of St. Georges Hundred." Del. Laws, vol. 12, page 49. Section 4 of act incorporating the town of Middletown amended. How amended.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said act be, and the same is hereby further amended, to wit: by striking out Section 21 of said act of incorporation and inserting in lieu thereof the following as and for said section: Section 21 of said act amended.

Town voters
to elect Al-
derman.

Alderman to
be a resident
of said town.
Powers of
Alderman.

Term of of-
fice of Alder-
man.
Proviso.
Not to im-
pose a fine
of more than
ten dollars.

Fees of Al-
derman.

To deliver
to his suc-
cessor in
office books
and papers
within ten
days.
Penalty for
neglect.

"SECTION 21. *And be it further enacted*, That it shall and may be lawful for the citizens of the Town of Middletown, having a right to vote for Commissioners under the provisions of this act, to elect by ballot, at the same time in which the Commissioners for said town are elected, an Alderman for said town. The person elected as aforesaid Alderman of said town shall be a resident of said town and a freeholder therein, and shall have all the powers of a Justice of the Peace within the limits of said town so far as the jurisdiction and cognizance of all breaches of the peace and other offences within said town, to arrest and hold to bail or fine and imprison such offenders, and of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by ordinance of the Town Commissioners regularly passed and established for the government of said town, and of all neglects, omissions or defaults of the Town Constable, Assessor or Treasurer, or any other person or officer, whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; and shall hold his office for one year from the time of his election or until another is elected and qualified. *Provided*, That he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman whose term of office has expired to deliver over to his successor in office all the books, papers, &c., pertaining to his office, within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars, to be recovered before the succeeding Alderman or any Justice of the Peace residing in said town."

Passed at Dover, February 6, 1862.

CHAPTER 217.

A Supplement to the act entitled "An Act for the Measurement and Inspection of Lime."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That it shall be the duty of the Inspector of Lime, appointed under the provisions of the act to which this is a supplement, to inspect and

tally each and every bushel of lime which may be landed at the Town of New Castle; and that no measurement and inspection of lime, under the provisions of Section 5 of said act, shall be deemed sufficient, unless the same shall be made whilst the lime is being trans-shipped or removed from the lime boats or vessels to the cars; and no measurement or inspection of lime, after the same shall have been placed in a car, shall be deemed sufficient.

Lime Inspector to inspect and tally every bushel of lime. No measurement when placed on cars to be sufficient.

Passed at Dover, February 6, 1862.

CHAPTER 218.

An Act to repeal the act entitled "An Act to incorporate a Bank at Seaford, in the County of Sussex, under the name of 'The Seaford Bank at Seaford.'"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act to incorporate a bank at Seaford, in the County of Sussex, under the name of 'The Seaford Bank at Seaford,'"* passed at Dover, March the sixth, 1861, is hereby repealed.

Del. Laws, vol. 12, p. 146. Act incorporating Seaford Bank at Seaford repealed.

Passed at Dover, February 6, 1862.

CHAPTER 219.

An Act to amend the act entitled "An Act to establish Inferior Courts in the several counties of this State."

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act to establish Inferior Courts in the several counties of this State,"* passed at Dover, March 6, 1861, be, and the same is hereby, amended so that nothing therein contained shall abridge, or in any manner take away, the jurisdiction and cognizance heretofore conferred by the laws of the State in [on] Justices of the Peace in cases of assault and battery, but the same shall continue and remain and be exercised by them, in as full

Del. Laws, vol. 12, page 180. Jurisdiction of Justices of the Peace in cases of assault and battery not affected by act establishing Inferior Courts in the several counties of this State.

and ample a manner as it heretofore existed and was exercised by them under any law of the State in force at the time of the passage of the said act hereby amended.

Passed at Dover, February 6, 1862.

CHAPTER 220.

An Act to prevent obstructions to the navigation of Murderkill Creek and Spring Creek and its branches, in Kent County.

Penalty for obstructing the navigation of Murderkill and Spring Creeks or any of the branches thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That if any person or persons shall fill up, or designedly or intentionally injure or obstruct any canal already cut between the waters of the said creeks, or either of said creeks and the branches of the other, or shall injure or obstruct the navigation of said creeks, or the branches of Spring Creek, or either of them, by wears, hedges, or in any other manner whatsoever, he, she, or they so offending shall severally forfeit and pay the sum of one hundred dollars, one moiety thereof to the use of the State, and the other moiety thereof to the use of the person or persons who will sue for the same before any Justice of the Peace in Kent County, and the said Justice shall have full power and authority to hear and determine all questions arising under the provisions of this act.

How recovered.

Justice of the Peace upon affidavit made, to cause obstructions to be removed.

SECTION 2. *And be it further enacted,* That upon an affidavit being made before any Justice of the Peace in Kent County stating that any obstruction is made as contemplated by the first Section of this act, it shall be the duty of the said Justice to authorize some suitable person to cause said obstructions to be removed and to call to his assistance a sufficient number of persons to make such removal, and certify to the said Justice the costs of doing the same, which costs, in any proceeding against the person who it shall be ascertained caused such obstruction, shall be recovered in addition to the fine imposed by the first Section of this act.

Costs of removing obstructions, by whom paid.

Inconsistent acts repealed.

SECTION 3. *And be it further enacted,* That all acts or parts of acts inconsistent with this act, or allowing the setting of any wear, hedge or fike in either of said creeks, of [or] the branches of Spring Creek, are hereby repealed.

Passed at Dover, February 6, 1862.

CHAPTER 221.

An Act for the relief of the Officers of Volunteer Companies and persons from whom arms have been taken.

WHEREAS by the message of His Excellency, Governor of the State, to this General Assembly, [it appears] that certain public arms belonging this State and delivered upon the order of the Governor by the Commissaries of this State to certain Volunteer Companies, have been, by persons exercising or pretending to exercise authority under the United States Government, taken from the officers and persons having received the same; and whereas the said officers or persons who so as aforesaid received said public arms from the said Commissaries may be liable on the bond or bonds which they gave for the return of said arms in good order, and the action of the persons aforesaid in taking said arms has entirely deprived the said officers or persons having received and given bond or bonds for the same, of the possibility of complying with the terms and stipulations of said bond or bonds, and it is the intention of this General Assembly to relieve the officers and persons aforesaid, who may have received [said arms] and given bond or bonds as aforesaid, from liability on account of said bond or bonds on the failure to return said arms, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That in any suit or proceeding, on any bond or obligation given as aforesaid, it shall be lawful for the defendant to plead specially such taking by persons exercising or pretending to exercise authority under the Government of the United States, and such plea being supported by proof of the fact of such taking shall constitute a full defence against any such suit or proceeding. *Provided,* That this Section shall relate only to arms so taken before the passage of this act.

Passed at Dover, February 7, 1862.

CHAPTER 222.

An Act supplementary to the Act entitled "An Act regulating the sale of Intoxicating Liquors," passed at Dover, March 3, 1857.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, SECTION 1. That so much of the act entitled "An Act regulating the sale of intoxi-

Preamble reciting that arms have been taken from certain volunteer companies, and consequent inability to comply with the terms of their bonds.

The taking may be pleaded as a defence to any suit upon the bonds.

Act only to apply to arms heretofore taken.

Del. Laws, vol. 11, p. 463.

Mayor's
Court of
Wilmington
to have
jurisdiction
of offences
committed
within City
limits.

cating liquors," passed at Dover, March 8, 1857, or any amendment or amendments to said act, as makes it necessary to proceed by indictment in order to punish any one who may sell liquor without license, shall not be applicable to the Mayor's Court of the City of Wilmington, but that the said Court may, as heretofore, proceed by information against any one, who shall, within the boundaries of the City of Wilmington, sell intoxicating liquors without license.

Passed at Dover, February 7, 1862.

CHAPTER 223.

An Act to amend Chapter 125 of the Revised Statutes of the State of Delaware.

Section 29 of
Chapter 125
of the Re-
vised Code
amended.
How amend-
ed.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 29 of Chapter 125 of the Revised Statutes of the State of Delaware be, and the same is hereby, amended by striking out of the first line of said section the figures "\$1.80," and insert in lieu thereof the figures "\$2.50."

Amendment
to apply
only to days
of actual
session.

SECTION 2. *And be it further enacted by the authority aforesaid, That* the provision of Section 1 of this act shall be deemed and taken to apply only to days of actual session of the Levy Court when in attendance at the usual places of meeting in their respective counties; and for all other services the members of said Court shall receive the same compensation as before the passage of this act.

Passed at Dover, February 7, 1862.

CHAPTER 224.

An Act to incorporate "The Seaford Odd Fellows' Hall Company" at Seaford.

Commission-
ers appoint-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature), That* James Stuart, Joseph Haregrove, Thomas R. Harper, Daniel

G. Fisher, George T. Kay, Joseph P. H. Shipley, John H. Cottingham, William B. Horsey, William E. Rogers, Jacob Williams, Alfred Cottingham, and Hicks D. Hooper be, and are hereby, appointed, Commissioners to do and perform the things hereinafter mentioned, that is to say: They, or any three of them shall, as soon as conveniently may be after the passage of this act, procure a sufficient number of suitable books, one of which shall be opened in Seaford, and the others, if it shall be deemed advisable by the Commissioners, at such other place or places as they shall think proper; in each of which books they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to 'The Seaford Odd Fellows Hall Company' the sum of twenty five dollars for each and every share of stock set opposite to our respective names, in such manner, sums, and at such times as shall be directed by the President and Curators of said Company," and shall thereupon give notice in two or more newspapers printed in this State, and such other ways as they may deem proper, for at least ten days, of the time and place or places, when and where the said books shall be opened to receive subscription for the capital stock of the said Hall Company, at which time and place or places two or more of the said Commissioners shall attend and permit all persons of lawful age, who shall offer, to subscribe either in his own name or by an attorney for another, for any amount of shares not to exceed forty, on the first or any following day the said books may be opened. The said Commissioners shall keep the said books opened each successive day after the day of opening the same, until shares to the amount of two thousand dollars shall have been taken, at which time, and not before, the said Commissioners shall, by ten days notice, in such manner as they may deem most advisable, call a meeting of the stockholders for the purpose of organizing the Company by the election of officers as hereinafter mentioned, and for the transaction of such other business, connected with the objects of the corporation, as the stockholders may think proper.

To open books.

Where.

Entry to be made in books.

Notice of the time and place of opening books.

Who may subscribe for stock.

How long the books to be kept open

Notice of meeting to organize company.

SECTION 2. *And be it further enacted,* That the capital stock of the said Company shall be ten thousand dollars, divided into four hundred shares of twenty-five dollars each.

Capital stock to be \$10,000.

SECTION 3. *And be it further enacted,* That at the first meeting called as hereinbefore prescribed, the stockholders shall organize the Company by electing a President, Secretary, Treasurer and six Curators, to serve until the first Monday in January next ensuing after their election, and there shall be another meeting of the stockholders on the same day in every year thereafter, in Seaford, at the office of the said Company, at which meeting and meetings, the stockholders shall choose, by a majority of votes present, given in person or by proxy, the officers as aforesaid, who shall continue in office for one year, and until their successors

Meeting to organize company. Officers of company.

Annual meetings of stockholders Term of office of officers.

Vacancies,
how filled.

Officers to be
stockhold-
ers.

Elections of
officers, how
conducted.

Number of
votes each
stockholder
entitled to.

Non-election
of officers
not to dis-
solve cor-
poration.

Special
meetings,
when and
how called.

Board of Di-
rectors how
constituted.
To direct
affairs of
company.
To select
site for the
Hall.
May adjourn
from time to
time.

When the
Hall is erect-
ed may rent
apartments.

Stated meet-
ings how
called.

President
and Secreta-
ry to officiate
in case of
absence,
others may
be elected
pro tempore.
Secretary,
his duties.

be chosen; in case of any vacancy occurring in the board of officers by death, resignation, or otherwise, the remaining members of the board shall immediately proceed to supply such vacancy by the election of any other stockholder. None but stockholders shall be capable of holding any office in this corporation. At every election of officers of the corporation two stockholders shall be appointed judges of said election by the stockholders present, who shall decide upon the qualification of voters, and decide who have been elected, and certify the same to the existing Board; each stockholder shall be entitled to one vote for each and every share of stock he may hold in the said Company. In case it should so happen at any time that an election of officers shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting to be called immediately by the Directors according to the provisions of this act.

SECTION 4. *And be it further enacted,* That special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the Directors upon the request in writing of stockholders owning shares amounting to one thousand dollars, or when the Directors shall deem it necessary.

SECTION 5. *And be it further enacted,* That the President, Secretary, Treasurer, and six Curators, shall constitute a Board of Directors, who shall control and direct the affairs of the corporation. It shall be their duty, as soon as the corporation shall have been organized as hereinbefore directed, to proceed to select a suitable location, in Seaford, and a plan for the said hall, and may adjourn from time to time as they may deem necessary for this purpose and in order to procure a suitable location and plan for the said hall and make contracts for the erection thereof. When the said hall is erected, it shall be their duty to let such apartments in the said hall as may be for rent, at any time, to suitable persons and upon such terms and under such restrictions as they may deem reasonable and proper. The Board of Directors shall hold stated meetings every three months, but any one of the said officers may call a special meeting of the Board, whenever he may think it advisable to do so, by sending a written notice to each member thereof. The Board of Directors shall have power to call a special meeting of the stockholders, whenever in their opinion the interest of the corporation may seem to demand it, by advertising at least ten days previous thereto. The President and Secretary shall officiate in their respective capacities at every meeting, whether stated or special, both of the stockholders and of the Board of Directors; but in case of the absence of either of said officers from any meeting, any stockholder may be elected to supply his place for the time. The Secretary shall keep fair records, in separate books, of all proceedings in the meetings of the stockholders,

and of the proceedings in the Board of Directors. The Treasurer shall have charge of all funds belonging to the corporation, shall receive all moneys due to it, giving proper receipts and acquittances therefor, and shall pay all accounts against the Company which shall have been regularly audited and passed by the Board of Directors and none others; he shall, before entering upon the duties of his office, give bond in such amount and with such security as shall be approved by the Board of Directors. The Treasurer shall have power to take subscriptions for such stock as may remain undisposed of at the time of his election, if it shall be deemed necessary by the Board of Directors to complete the payment for the lot and building in case of a deficiency in the first subscription to complete the object of this incorporation. He shall make a well-digested report of the state of the funds of the corporation at every stated meeting of the Board of Directors, and at every annual meeting of the stockholders.

Treasurer,
his duties.

To give
bond.

May receive
subscription
for stock un-
disposed of.

To make re-
port of
affairs of
company to
Directors
and stock-
holders.

SECTION 6. *And be it further enacted,* That every subscriber for stock shall pay immediately, to the Commissioner or Commissioners in charge, prior to the organization of the said corporation, ten per centum on the aggregate amount [of] his, her or their subscriptions, and after the organization the stockholders shall pay such amounts or installments on the share as the Board of Directors may require. If any subscriber shall fail to pay said installments at the time appointed, the Board of Directors may declare the amount already paid by such subscriber, and all his, her, or their interest in the stock which is held, forfeited, and may direct the Treasurer to dispose of such stock to other persons.

Payment of
subscriptions,
when
to be made.

Proceedings
in case of
failure to
pay when
demanded.

SECTION 7. *And be it further enacted,* That as soon as the corporation shall have been organized as aforesaid, and the Commissioners shall pay over to the Treasurer all moneys which they may have received on subscriptions to stock, and all persons who shall take stock thereafter shall pay to the Treasurer, immediately on making their subscription, the whole amount of the installments then due on the shares which they take respectively, certificates of stock, under the seal of the corporation, with the signatures of the President and Treasurer thereof attached, shall be issued to those entitled to receive the same, when the payments thereon, respectively, shall have been completed. The stock held by any person shall be transferable on the books of the corporation.

Certificates
of stock,
when issued.

Stock trans-
ferable.

SECTION 8. *And be it further enacted,* That in the construction of the said hall a certain number of apartments, convenient and suitable for the purpose, shall be prepared and set apart for the use of Hebron Lodge, No. 14, of the Independent Order of Odd Fellows of the State of Delaware and such other Lodge or Lodges of Odd Fellows as are, or may hereafter be organized according to the rules and regulations of the said order; the said Lodge or

Apartments
in Hall, how
arranged
and set
apart.

Lodge to have the use thereof.

Lodges shall, at all times during the continuance of this corporation, have the use and control of the said apartments, with free ingress and egress thereto and therefrom without molestation or obstruction, and shall pay to the said Company a reasonable

Annual rent.

annual rent for the use of the same.

Company incorporated when.

SECTION 9. *And be it further enacted*, That as soon as the President, Secretary, Treasurer and six Curators shall have been elected in the manner prescribed hereinbefore, the stockholders, and their successors and assigns of the capital stock aforesaid, shall be a corporation and body-politic in law by the name and style of "The Seaford Odd Fellows Hall Company," with capacity and power to take, receive and hold by contract, transfer, devise, bequest, gift or conveyance, lands, buildings, goods, money and other real and personal property to the amount hereinafter specified; and to grant, alien, assign, use or dispose of the same, or any part or parts thereof, with the qualifications hereinafter mentioned, and to make, have, and use a common seal, and the same

Name. Powers.

Continuance

to change and renew at pleasure, and shall continue and have succession for and during the term of twenty years from the date of this act and no longer. The said corporation shall be capable in law to sue and be sued, plead and be impleaded, in any court of law or equity, or in any other place whatever. The said corporation shall not hold money, credits, or property of a greater annual income than three thousand dollars, and shall have no banking powers.

Annual income not to exceed \$3000
No banking powers.

Board of Directors to make by-laws.

SECTION 10. *And be it further enacted*, That the said Board of Directors shall have power to make all by-laws, rules and regulations necessary and proper for the government of the Company and not repugnant to the constitution and laws of this State, nor of the United States; but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the officers; on all questions before the Board, the President, Secretary and Treasurer shall vote as a Curator; five members of the Board shall constitute a quorum for the transaction of business. The Board of Directors shall allow such salaries to the President, Secretary, Treasurer and other officers and employees as they shall deem reasonable.

Two-third vote necessary.

Quorum.

Salaries.

Right of revocation reserved.

SECTION 11. *And be it further enacted*, That the power of revoking or repealing this act is hereby reserved to the Legislature.

Passed at Dover, February 7, 1862.

CHAPTER 225.

An Act proposing an Amendment to the Constitution of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein), That, with the approbation of the Governor, the following amendment be, and the same is proposed to the Constitution of the State of Delaware, and the same when duly ratified shall constitute Section 13 of Article VII. thereof, viz:*

Amendment to Constitution proposed.

"SEC. 13. *No Lottery, or device in the nature thereof, shall hereafter be legalized in this State.*"

Lotteries prohibited.

SECTION 2. *And be it further enacted, That the Secretary of State, in case the said proposed amendment shall be approved by the Governor, shall cause the same to be duly published in all the newspapers printed in this State, for a period of at least three and not more than six months before the next general election of Representatives, for the consideration of the people.*

Secretary of State to publish amendment after approval by the Governor.

Passed at Dover, February 7, 1862.

CHAPTER 226.

An Act to amend Chapter 66 of the laws passed at Dover, February 28, 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 66 of the laws passed at Dover, A. D. 1861, be, and the same is hereby, amended as follows: first, by inserting after the word "words," in line 8 of Section 1, the following: 'and twenty cents for certifying, indexing and filing a certificate of each marriage, birth, or death returned to said office'; second, by striking out of Section 10 of said act these words, "who shall receive a fee of fifteen cents for said certificate, to be paid by the person making the return and to be allowed by the Levy Court as part of the account of the person making such return."*

Del. Laws, vol. 12, p. 99. Sec. 1 of act amended. How. Sec. 10 of act amended. How.

Passed at Dover, February 7, 1862.

CHAPTER 227.

An Act to change the name of the place called "Chapeltown," in Dover Hundred, Kent County, Delaware.

Name of
Chapeltown
changed to
that of
Westville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the place called or known by the name of "Chapeltown," in Dover Hundred, Kent County, shall, from and after the passage of this act, be called and known by the name of "Westville," which shall be its proper designation.*

Passed at Dover, February 7, 1862.

CHAPTER 228.

An Act to amend Chapter 55 of the Revised Statutes of the State of Delaware.

Sec. 16 of
Chapter 55
of the Re-
vised Code
amended.

How
amended.

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Section 16 of Chapter 55 of the Revised Statutes of this State be, and the same is hereby, amended by inserting in the second line of said section, after the word "bay," the following, viz: "Nor shall any person use or keep any gill-net or seine in said river or bay below Warwick, which shall extend farther than one hundred and fifty yards from the shore or bank of said river or bay on either side."*

Passed at Dover, February 7, 1862.

CHAPTER 229.

An Act for the Protection of Sheep in certain parts of New Castle and Kent Counties.

Assessors to
make assess-
ment list of
owners of
dogs.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows: SECTION 1. It shall be the duty of the Assessors of each of the several hundreds in this State to which the act is made applicable, to make out an assessment list wherein he shall set down the name of each and every owner of any dog or dogs, whether male or female, and

the number of such dogs belonging to each owner thereof, and shall make return of said list to the Levy Court of their several counties, at the same time when he shall return his annual assessment list of persons and property; said assessment list of dogs shall be filed by the Clerk of the Peace in his office, and it shall be the duty of said Clerk of the Peace to make out a duplicate thereof, and place the same in the hands of the Collectors of the respective hundreds at the same time when he shall deliver to them the duplicates of the assessment list of the several hundreds.

To return list to Levy Court.

To be filed. Clerk of the Peace to make out copy and deliver to the collectors.

SECTION 2. The Collector of the several hundreds, upon the receipt of said list of dogs, shall proceed to collect from the several owners thereof the sum of fifty cents for each male dog owned by said owners respectively, and two dollars for each female dog; but if any person or persons shall be the owner or owners of more than one dog, he, she, or they shall be liable to pay one dollar for each additional dog owned by him or them.

Collectors to collect fifty cents for each dog and \$2 for each bitch. And one dollar for each additional dog.

SECTION 3. Any person who shall harbor any dog or dogs, whether male or female, shall be deemed and taken by the Assessor aforesaid to be the owner thereof.

Harboring of dogs evidence of ownership.

SECTION 4. It shall be the duty of every Collector, whenever he shall have funds in his hands arising from the tax hereinbefore provided, to pay to any person or persons, residing in the hundred for which he is the Collector, a sum not to exceed three dollars for each lamb, and a sum not exceeding five dollars for each sheep which shall have been killed, injured, or destroyed by any dog or dogs. *Provided,* That such claimant, immediately upon the loss or injury of such lambs, or sheep, shall notify three disinterested farmers in the hundred where he may reside to view such sheep or lambs and appraise the same, and shall present to said Collector a certificate, signed by two or more of said farmers, certifying the number and value of sheep or lambs, the property of said claimant, so killed, injured, or destroyed. It shall be the duty of the Collector, whenever he shall pay any sum of money upon any such certificate, to take the receipt of said claimant thereon, and the same shall be his voucher for the amount so paid by him. He shall annually account to the Levy Court of his county for the collections and disbursements made under this act, and at the expiration of every two years, and when his term of office shall expire, shall pay over to the School Commissioners of the respective schools of his hundred, in equal portions to each of said districts, any balance of said funds remaining in his hands, and the receipt or receipts of said School Commissioners shall be his vouchers and acquittances for the amount or amounts so paid. For any neglect, or dereliction of duty under this act, the Collector shall be liable on his official bond.

If collector have funds in hand, to pay for each lamb or sheep killed by dogs.

How much.

Proviso.

Notification to farmers.

Certificate of farmers, what to state.

Collector to account annually to Levy Court.

Balance to be paid to school committee of the school districts. Liability for neglect of duty.

SECTION 5. The Assessor shall be entitled to receive for each

Compensation to assessors and collectors.

dog, whether male or female, so assessed by him, the sum of ten cents. The Collector shall receive ten per cent. on all moneys so collected and disbursed by him, to be paid out of the fund aforesaid.

Certificates to have priority of payment according to date of presentation.

SECTION 6. If there shall not be sufficient money in the hands of the Collector to pay the demand of such claimant at the time of presentation, it shall be the duty of said Collector to note upon the certificate of such claimant the time of presentation, and such certificates shall have priority according to the date of presentation whenever funds shall come into the Collector's hands applicable thereto.

Lawful to kill dogs not assessed by 1st January, 1863, or caught killing sheep.

SECTION 7. It shall be lawful for any person to kill any dog, whether male or female, after the first day of January next (A. D. 1863), which shall not be on the assessment list and may be wandering at large without an owner, or any dog, whether male or female, caught in the act [of] killing or worrying sheep or lambs.

Owners paying tax to have property in dogs.

SECTION 8. All persons paying a tax as provided in this act shall have such a property in the dogs owned, held and paid for by them as will enable them to sue for and recover any damages that may accrue in consequence of injury to, or theft of such dog or dogs.

To what places act to apply.

SECTION 9. The provisions of this act shall apply only to New Castle County, with the exception of Wilmington Hundred, and to Duck Creek Hundred in Kent County.

Passed at Dover, February 7, 1862.

CHAPTER 230.

An Act further to amend the act entitled "An Act allowing an additional Constable in St. Georges Hundred, New Castle County," passed at Dover, January 21, 1851.

Del. Laws, vol. 10, page 441.

Act amended

Constable not to give bond in a sum greater than \$500.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled "An act allowing an additional Constable in St. Georges Hundred, New Castle County," passed at Dover, January 21, 1851, be, and the same is hereby further amended by adding at the end of said act these words, "and said Constable shall not be required to give bond in any sum greater than five hundred dollars, any thing in the laws of this State to the contrary notwithstanding."

Passed at Dover, February 7, 1862.

CHAPTER 281.

An additional Supplement to an act entitled "A further supplement to an act entitled 'An Act to enable the owners and possessors of the several tracts of meadow, marsh and cripple on the Augustine Creek and Silver Run in New Castle County, to make and keep the banks, dams and sluices in repair, and to raise a fund to defray the yearly expenses accruing thereon.'"

Del. Laws,
vol. 7, page
1061.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Each tax-payer entitled to one vote for every dollar of tax paid.

each and every owner or possessor of meadow, marsh, or cripple, assessed as the property of the St. Augustine Marsh Company, paying tax, shall be entitled to one vote; that each and every owner or possessor, paying tax, shall be entitled to one vote for each and every dollar of tax he pays, that is, to as many votes as he pays dollars in tax; that any owner or possessor in arrearage for tax for more than one year shall be deprived of one vote for every dollar of his arrearage for more than one year; that any owner or possessor, whose tax amounts to no more than one dollar, shall in no case be allowed to vote while in arrearage; that in all cases the number of votes to which any person is entitled shall be ascertained by reference to the Treasurer's book, and the last tax laid, agreeable to the rate of assessment, and due, shall be the rule as to the number of votes to which each individual is entitled.

Delinquent tax-payers for over a year not entitled to vote

Mode of ascertaining number of votes each one is entitled to.

SECTION 2. *And be it enacted, That* each owner paying tax shall have the right of appointing or deputing a substitute, who shall have the right of representing the owner in voting at any meeting of the Company, to transact any business and to serve in any capacity to which said owner is entitled or may be elected; the said deputy being always subject to the same rules and regulations as set forth in Section 1 of this supplement, respecting owners and possessors, and the said deputy being always required to produce a written certificate, signed by the owner, of his appointment, the said certificate being valid for no longer time than the next annual meeting of the Company.

Each owner may appoint a substitute. Powers of substitute.

How appointed. For what time.

SECTION 3. *And be it enacted, That* any act or supplement thereto, heretofore binding and regulating the St. Augustine Marsh Company, and at variance with the above two sections of this supplement shall be, and is hereby, null and void and of no effect after the passage of this act.

Inconsistent acts repealed

SECTION 4. *And be it enacted, That* John McWorter, John Reybold, and George Z. Tybout be, and they are hereby, appointed Commissioners to act in conjunction with William Reybold and Samuel Carpenter, Commissioners heretofore appointed or elected, and if they have not been, then they are so

Commissioners appointed to make a new assessment.

To be made in conformity with law. When to be made and delivered to managers. Managers to assess and levy the tax within five days after assessment delivered. Annual election postponed till 1st Tuesday in May next

Vacancy among commissioners, how filled.

Acts of a majority to be valid.

All questions to be decided by a majority of all the votes of the company.

appointed by this act, whose duty it shall be to make a new assessment or valuation of the marsh mentioned and described in the act to which this is an additional supplement or included in any of the supplements thereto. The said assessment or valuation shall be made in conformity with the provisions of law in that behalf already provided, and shall be made and delivered by the said Commissioners to the managers of said marsh on or before the fourth Tuesday of April next, and the managers aforesaid shall, within five days after receiving the said assessment, so as aforesaid provided for, assess and levy the tax upon the owners and possessors of said marsh. The annual election provided for by the laws and regulations of said Marsh Company to take place in March next, is hereby postponed until the first Tuesday of May next, at which time it shall and may be lawful for the owners and possessors of said marsh to hold an election in lieu of the election which but for this act would be held in March next, and at such election the owners and possessors of said marsh shall be entitled to vote agreeably to the levy authorized to be made by the managers after the assessment aforesaid. In the event of a vacancy in the board of Commissioners herein appointed, by death, resignation or otherwise, then it shall and may be lawful for the remaining or surviving Commissioners to appoint by writing, under their hands, a person or persons to fill such vacancy or vacancies. The act of a majority of all of said Commissioners shall be as binding and efficacious as though all were present and assenting.

SECTION 5. *And be it further enacted,* That at any election for Managers, or other officers, all questions in which said Company are interested, in any manner whatsoever, shall be decided by a majority of all the votes of the said Marsh Company.

Passed at Dover, February 7, 1862.

CHAPTER 282.

An Act for the payment of Claims against the State.

State Treasurer directed to pay

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be, and is hereby, authorized and directed to pay the following claims:

Jos. M. Barr

To Joseph M. Barr, for advertising, seventy-eight dollars and seventy-five cents, in full to date.

E. P. Aldred.

To Edward P. Aldred, for advertising, fifty-six dollars, in full to date.

To George W. Vernon, for advertising, seventy-four dollars and fifty cents, in full to date. G. W. Vernon.

To Henry Eckel, for advertising, ninety-four dollars and twenty-five cents, in full to date. H. Eckel.

To C. P. Johnson, for advertising, one hundred and fifty-seven dollars, in full to date. C. P. Johnson.

To George W. Mahan, for advertising, forty-four dollars, in full to date. Geo. W. Mahan.

To James Montgomery, for advertising, forty-four dollars and fifty cents, in full to date. J. Montgomery.

To James Kirk, for advertising, &c., ninety-three dollars and thirty cents, in full to date. James Kirk.

To Robert D. Hoffecker, for advertising, sixty-three dollars and fifty cents, in full to date. R. D. Hoffecker.

To D. Dodd, for advertising, forty-four dollars, in full to date. D. Dodd.

To Thomas M. Ogle, for serving requisition on Governor of New Jersey, &c., seventy-five dollars, in full to date. T. M. Ogle.

To John W. Graham, for serving requisition on Governor of Maryland, &c., sixty dollars, in full to date. John W. Graham.

To James W. Wise, for work on case in Auditor's office, arranging papers, nine dollars, in full to date. J. W. Wise.

To James L. Smith, for two new spiral grates and cylinders taken down and bricking up two furnaces, &c., one hundred and fifty dollars and sixty-two cents, in full to date. J. L. Smith.

To R. N. Merriken, for five days attendance at Court [of] Error and Appeals, stationery, &c., fourteen dollars, in full to date. R. N. Merriken.

To Charles N. Trump, for Senate chandalier, one hundred and ten dollars, in full to date. C. N. Trump.

To I. Tunnell, Jr., for advertising, &c., ten dollars, in full to date. J. Tunnell, Jr.

To Pennell Emerson, Sheriff, for five days attendance on Court of Errors and Appeals, &c., nine dollars, in full to date. P. Emerson.

To William N. Hamilton, Auditor [of] Accounts, for preparing report of finances of State for publication, &c., twenty-five dollars. Wm. N. Hamilton.

To James R. Lofland, Ex-Sec'y State, for cash paid Jas. H. Bell for assisting in transcribing the laws of the session of the Legislature of 1857, forty dollars, in full to date. J. R. Lofland.

To James W. Wise, for fitting up the room for the General Assembly, &c., twenty-five dollars, in full to date. J. W. Wise.

To John D. Burton, for stationery, fuel, lights, carpeting, &c., for the General Assembly, six hundred and fifty-two dollars and twenty-one cents, in full to date. J. D. Burton.

Passed at Dover, February 7, 1862.

CHAPTER 233.

An additional Act to provide for the payment of Claims against the State.

State Treas-
urer direct-
ed to pay

[SECTION 1.] *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby, authorized to pay the following claim :*

John D.
Burton
\$10.20.

To John D. Burton, ten dollars and twenty cents, for commissions on coal purchased by him for the use of the General Assembly.

Passed at Dover, February 7, 1862.

RESOLUTIONS.

CHAPTER 234.

[Joint Resolution allowing the Auditor of Accounts to provide additional conveniences for papers, &c.]

Resolved, by the Senate and House of Representatives [of the State of Delaware] in General Assembly met, That the Auditor of Accounts be authorized, and is hereby directed to provide additional conveniences for papers, &c., provided the sum expended shall not exceed ten dollars.

Auditor of
Accounts al-
lowed more
conveni-
ences for
papers.

Adopted at Dover, January 15, 1862.

CHAPTER 235.

Joint Resolution declaring the State Treasurer authorized to pay certain monies therein mentioned.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel B. Hitch, State Treasurer, has lawful right to distribute and pay to the corporations and persons, respectively entitled to receive the same, the sum of eighteen thousand dollars, now in his hands, received from Richard France by the hands of John A. Morris, in payment of the installment secured by the bond of said France, and which installment became due on the first day of July, A. D. 1861, by force of the provisions of the act entitled "An Act for the Encouragement of Internal Improvements in the State of Delaware," and in the respective sums to which they they are severally entitled.

State Treas-
urer direct-
ed to pay to
parties en-
titled money
received
from Richard
France, due
July 1st,
1861.

2. Resolved further by the authority aforesaid, That the General Assembly having resumed, reclaimed, and revested in the said

State Treasurer to notify France that he is discharged from all liability on his bond to the State.

State, the grants, liberties and privileges contained and specified in the act of the General Assembly of said State, entitled "An act for the Encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, by declaring the cesser of the said grants, liberties and privileges for condition broken, and resuming the same, and declaring that it shall be unlawful for the said Richard France, his assignee or assignees, or any other person, to have, enjoy, or exercise any of the said grants, liberties and privileges, the State Treasurer shall give notice to the said Richard France that the State of Delaware discharges him and his sureties from all further liability on the said bond, so far as the said sum of \$720,000 therein mentioned as consideration for the said grant is concerned, and only holds the same for the use and benefit of any person who may be interested therein, as security for the payment of any prizes sold and drawn in any of the lotteries authorized by said act during the time when the said grants, liberties and privileges were heretofore legally exercised.

Adopted at Dover, January 31, 1862.

CHAPTER 236.

[Joint Resolution appointing a Committee on Claims.]

Joint Committee on Claims appointed.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of two members on the part of the Senate be appointed to act with a similar committee on the part of the House, as a joint Committee on Claims.

Adopted at Dover, January 16, 1862.

CHAPTER 237.

Joint Resolution.

State Treasurer directed to ascertain if banks will loan State \$65,000.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel B. Hitch, State Treasurer, be, and he is hereby, authorized to ascertain for the information of this General Assembly whether the banks of this State can loan the State the sum of sixty-five thousand three

hundred and eighty five dollars and twenty-three cents, (\$65,885.23), for a period of six months.

Adopted at Dover, January 16, 1862.

CHAPTER 238.

[Joint Resolution authorizing John Green to draw on the State Treasurer for certain expenses therein named.]

Resolved, by the Senate and House of Representatives [of the State of Delaware] in General Assembly met, That John Green be, and he is hereby authorized to draw on the State Treasurer for the payment for the flag-staff and putting up the same on the State House, and that he is hereby directed to present to this or the next Legislature his accounts and vouchers for the money so drawn. John Green authorized to draw on State Treasurer for amount sufficient to pay for flag staff.

Adopted at Dover, January 31, 1862.

CHAPTER 239.

[Joint Resolution requesting an appropriation from the General Government for Defending the Coast.]

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Congress is hereby requested to make such appropriations as may be necessary to erect a suitable fortification on the Delaware Breakwater, or on the coast adjacent thereto, for the protection of that harbor of refuge, and for the erection of such other defences as may be requisite for the protection of the Delaware Bay and River. Congress requested to make appropriation for a fortification on the Breakwater.

Resolved, That in the opinion of this General Assembly the completion of the railroad from Milford to the Delaware Breakwater, a distance of some thirty miles, would, in the event of a foreign war, become a military necessity, and that Congress is hereby requested to make an appropriation for the completion of said railroad, as a part of the means of protecting said Breakwater. Completion of Junction and Breakwater R. R. deemed a military necessity.

Resolved, That a copy of the above resolutions be sent to our Senators and Representative in Congress, with the request that they lay the same before their respective Houses, and that they use their endeavors to secure the object of the foregoing resolve. Copies to be sent to Senators and Representative in Congress.

Adopted at Dover, February 4, 1862.

CHAPTER 240.

[Joint Resolutions concerning the State Library.]

David Clayton directed to fit up shelves in the garret of State House to hold certain books now in the Library room. When shelves are erected to remove the books from the Library room.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That David Clayton be, and he is hereby authorized and directed to fit up or cause to be fitted up, in the garret of the State House, proper and suitable shelves for the purpose of holding the Congressional and Executive Documents now in the State Library Room.

Resolved further, That when the shelves shall have been fitted up as aforesaid, it shall be the duty of the said David Clayton, and he is hereby directed to remove from the State Library Room the Congressional and Executive Documents and other books of a similar character which are but seldom referred to, and place the same, in proper order, safely upon said shelves.

To paste labels on back of the books belonging to the State.

Resolved further, That it shall be the duty of the said David Clayton, and he is hereby required to cause suitable labels to be printed and pasted on the backs of all the books belonging to the State, in the said Library Room, not already labeled, showing that they are the property of the State.

D. Clayton authorized to draw for \$25.00.

Resolved further, That the sum of twenty-five dollars is hereby appropriated, out of any money in the Treasury, for the purpose of carrying into effect the foregoing resolutions, and the said David Clayton is hereby authorized to draw upon the State Treasurer for an amount not exceeding said sum.

To present his accounts to the next Legislature.

Resolved further, That the said David Clayton is hereby directed and required to present to the next General Assembly of this State, for settlement, his accounts and vouchers for expenditures made in pursuance of the foregoing resolutions, and said expenditures shall not exceed the sum of twenty-five dollars as aforesaid.

Adopted at Dover, February 4, 1862.

CHAPTER 241.

Resolution of thanks to Captain Samuel F. du Pont.

Thanks of General Assembly tendered to Capt S. F. du Pont.

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the thanks of this General Assembly are hereby tendered to Captain Samuel F. du Pont for his conduct in command of the naval expedition against

the rebels at Port Royal. The State of Delaware desires no better illustration of her loyalty than the deeds of her true-hearted sons, and among them she points to none with greater pride than to him, who, in the hour of his country's peril, proved himself not only faithful to his trust, but by his gallantry and skill so signally contributed to the achievement of a victory honorable to himself, creditable to the State, and useful to the Nation.

Resolved, That a copy of this resolution, engrossed on parchment, signed by the Speakers and attested by the Clerks of the respective houses, be transmitted to the family of Captain S. F. du Pont as a token of the respect and confidence of the General Assembly.

Copy to be transmitted to his family.

Adopted at Dover, February 5, 1862.

CHAPTER 242.

[Joint Resolution authorizing the State Treasurer to pay a certain sum of money to the Secretary of State.]

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby, authorized to pay to the Secretary of State the sum of one hundred dollars, to be by him applied to the payment of the contingent expenses of his office for the current year, an account of which shall be submitted to the General Assembly at the next regular session.

State Treasurer directed to pay to Secretary of State \$100, for contingent expenses of his office.

Adopted at Dover, February 5, 1862.

CHAPTER 243.

Joint Resolution relating to Expenditures.

WHEREAS custom seems to have authorized many purchases of stationery, wood, ice, &c., &c., for the use of the Legislature, that are now entirely unnecessary and useless, and that a due regard for the public economy requires care in making all purchases for the State, Therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Senator or Senators from Kent County, holding over from one regular

Senators from Kent County holding over

To specify
articles to be
purchased
for next
Legislature.

To make
change of
unused ar-
tillery.

session to another be, and they are hereby, directed and authorized to name the articles and the quantity thereof that shall be purchased for the use of the following General Assembly, and to have a general control of the preparations to be made, with authority to alter or change at their pleasure. It shall also be their duty, and they are hereby directed, to see that the unused articles purchased for the use of the Houses shall be collected after each session for sale or future distribution as they may deem advisable.

Adopted at Dover, February 7, 1862.

CHAPTER 244.

[Joint Resolution as to adjournment of General Assembly.]

Adjourn
next of
Legislature

Resolved, by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both Houses of this General Assembly will adjourn to-day, sine die.

Adopted at Dover, February 7, 1862.

TITLES OF PRIVATE ACTS.

CHAPTER 245.—An Act to annul the marriage contract between James W. and Ann Jane Birnie.

Passed at Dover, January 24, 1862.

CHAPTER 246.—An Act to incorporate Wilmington Council, No. 1, United American Mechanics of Wilmington, Delaware.

Passed at Dover, January 24, 1862.

CHAPTER 247.—An Act to divorce Mary Elizabeth Townsend (formerly Mary Elizabeth Wheatly) from the bonds of matrimony.

Passed at Dover, January 29, 1862.

CHAPTER 248.—An Act to revive the act entitled "An Act to amend the act entitled 'A further Supplementary act to the act entitled 'An Act for the stopping St. Georges Creek, and for embanking and draining a quantity of marsh and cripple on both sides of said creek, being deemed about three thousand acres, situate in Red Lion and St. Georges Hundreds and County of New Castle, and for keeping the dykes and dams belonging to the same in good order and repair.'"

Passed at Dover, January 29, 1862.

CHAPTER 249.—An Act to enable Isaac G. Phillips to locate certain vacant lands in Little Creek Hundred, Sussex County, and complete his title to the same.

Passed at Dover, January 30, 1862.

CHAPTER 250.—An Act to revive an act entitled “An Act to enable Waitman Jones to locate certain vacant lands in North West Fork Hundred, in Sussex County, and complete his title to the same.”

Passed at Dover, January 31, 1862.

CHAPTER 251.—An Act to enable John W. Smith to locate certain vacant salt marsh therein named, and complete his title to the same.

Passed at Dover, February 4, 1862.

SECRETARY'S OFFICE,

DOVER, March 7th, 1862.

In obedience to the directions of Chapter 4 of the Revised Code entitled "Of the passing and publication of Laws and of Journals," I have collated with, and corrected by, the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its late special session, which commenced on Monday, the twenty-fifth day of November, A. D. 1861, and closed on Friday, the seventh day of February, A. D. 1862. The words between brackets are inserted to complete the sense or correct errors in the original rolls.

EDWARD RIDGELY,

Secretary of the State of Delaware.

L A W S
OF THE
STATE OF DELAWARE,
PASSED AT THE SESSION
OF THE
GENERAL ASSEMBLY,

**COMMENCED AND HELD AT DOVER, ON TUESDAY, THE SIXTH
DAY OF JANUARY A. D. 1863 :**

**AND AT THE ADJOURNED SESSION COMMENCED ON TUESDAY
JUNE 9, 1863.**

PUBLISHED BY AUTHORITY.

WILMINGTON:
HENRY ECKEL, PRINTER,
S. E. CORNER FIFTH & MARKET STREETS.
1863.

LAWS
OF THE
STATE OF DELAWARE.

CHAPTER 252.

An Act to enable the Governor to appoint an additional Notary Public for Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor be, and he is hereby authorized to appoint an additional Notary Public for Dover Hundred, in Kent County, to reside in Dover.*

SECTION 2. *And be it further enacted, That this act shall repeal all laws or parts of laws, so far as they may be inconsistent herewith, and be deemed a public act.*

Public Act.

Passed at Dover, January 14, 1863.

CHAPTER 253.

An Act providing for a Levy Court Commissioner for Georgetown Hundred, Sussex County.

WHEREAS by an act of the General Assembly of the State of Delaware, entitled "An Act to form two Hundreds of what was hitherto Broadkilm Hundred, in Sussex County, as to

A

Recites the
division of
Broadkiln
Hundred
into two
Hundreds—
Broadkiln
and George-
town.

holding the general and special elections; the election of Assessors and Inspectors, and the appointment of Constables," passed at Dover, January 29, 1833, which act is now in force, the said hundred of Broadkiln; as it then existed, was divided into two Hundreds, one of which was called Broadkiln Hundred and the other Georgetown Hundred.

That the two
Hundreds
were re-
stricted to
one Levy
Court Com-
missioner.

And whereas, it was provided in said act of the General Assembly that nothing therein, or in any law of the State should confer upon Broadkiln Hundred as a Hundred, or upon Georgetown Hundred as a Hundred, the right of having a Commissioner of the Levy Court and Court of Appeal, or a Trustee of the Poor for and in each of said Hundreds, but the Levy Court and Court of Appeal in said County, when necessary, shall appoint one Trustee of the Poor only for both of said hundreds, and both of said hundreds shall have one Commissioner of the Levy Court and Court of Appeal only, to be elected for both of said Hundreds, as other Commissioners of said Court are elected in said County.

And whereas, the provision aforesaid in reference to one Commissioner of the Levy Court, and Court of Appeal, and a Trustee of the Poor for both of said Hundreds has militated against the interests of the people of the said hundreds: Therefore,

Each Hun-
dred to be
entitled to
one Levy
Court Com-
missioner
and one
Trustee of
the Poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That each of the said hundreds of Broadkiln and Georgetown, in Sussex County, shall be entitled to, and shall have, one Commissioner of the Levy Court and Court of Appeal and one Trustee of the Poor.

Present
Levy Court
Commission-
er to be
Commission-
er for
Broadkiln.

Governor
authorized
to appoint
for George-
town.

To hold un-
til the next
general elec-
tion.

SECTION 2. *And be it further enacted,* That the Commissioner of the Levy Court and Court of Appeal elected for both of said Hundreds, and now acting as such, shall be the Commissioner for Broadkiln Hundred, of Sussex County, as it now exists, and the Governor is hereby authorized and required to appoint a commissioner of the Levy Court and Court of Appeal for Georgetown Hundred, in Sussex County, who shall hold his office until the next General Election in this State; when a Commissioner of the Levy Court and Court of Appeal shall be elected for said Hundred for the term of four years.

Levy Court
to appoint
one Trustee
of the Poor
for each
Hundred.

SECTION 3. *And be it further enacted,* That the Levy Court of Sussex County, shall annually, in the month of February, appoint one Trustee of the Poor for each of said Hundreds of Broadkiln and Georgetown, to succeed those whose terms have

then expired ; but the appointment shall bear date on the first Tuesday of said month and the term shall be computed from that day.

SECTION 4. *And be it further enacted*, That at the expiration of the term of the present Commissioner of the Levy Court and Court of Appeal for Broadkilm Hundred, as it now exists, a Commissioner of the Levy Court and Court of Appeal for said Hundred, shall be elected for the term of four years.

The next Commissioner for Broadkilm to be elected for four years.

SECTION 5. *And be it further enacted*, That all laws and parts of laws of this State, inconsistent with the provisions of this act, are hereby repealed and made null and void.

Laws inconsistent herewith repealed.

Passed at Dover, January 16, 1863.

CHAPTER 254.

A further additional Supplement to the Act entitled "An Act to extend the time for Recording Deeds".

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That all deeds, or letters of attorney, concerning lands, tenements, or hereditaments, sealed or delivered on or before the first day of January, one thousand eight hundred and sixty-three, being first acknowledged or proved, and the acknowledgement or proof certified according to the laws of this State in force at the time when such acknowledgement or proof was made, may, with the certificate of the acknowledgement, or proof, and all endorsements and annexations, be recorded in the office for recording of deeds in the County wherein such lands, tenements, or hereditaments, or any part thereof, are situated ; if lodged in such office on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-five ; and the said record, or a copy thereof, shall be sufficient evidence ; and from and after the first day of January, in the year last aforesaid, no deed or letter of attorney sealed before the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, shall be recorded.

Time extended to January 1, and 1865.

Passed at Dover, January 21, 1863

CHAPTER 255.

An Act to authorize Nathaniel Horsey to straighten and shorten a certain Public Road in Sussex County, Little Creek Hundred, State of Delaware.

Nathaniel Horsey authorized to straighten a part of the road from Laurel to Delmar

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Nathaniel Horsey be, and he is hereby authorized and empowered to straighten and shorten that portion of the public road, leading from Laurel to Delmar, where the same passes through the lands of Nathaniel Horsey, beginning at or near a Persimmon tree, situated on the east side of the public road leading from Laurel to Spring Hill, running thence in a South Easterly direction through the lands of Nathaniel Horsey by an old out-house situated in a small lot, until it intersects the road leading from Laurel to Delmar, at a point of woods situated on said road.

Expenses—how borne.

To be public road when accepted by Levy Court.

When accepted, the old road to be vacated.

SECTION 2. *Be it further enacted by the authority aforesaid,* That the road, so straightened and shortened, be put in good order for the public travel, at the expense of said Nathaniel Horsey, and shall be a public road, and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Sussex County; and that immediately upon the acceptance of said new road by the Levy Court of said County, the said Nathaniel Horsey shall have full power and authority to close up such portions of the old road which may be vacated or supplied by the new road.

Passed at Dover, January 27, 1863.

CHAPTER 256.

12 vol. 10.

A further Supplement to an Act entitled "An Act to authorize the laying out a Public Road in Kent County," passed at Dover, January 24, 1861.

Preamble.

Recites the former act.

WHEREAS by an act of the General Assembly of the State of Delaware, passed at Dover, January 24th, 1861, entitled "An Act to authorize the laying out a public road in Kent County," the commissioners, or a majority of them named in said act, were authorized to lay out a public road in Milford

Hundred, in Kent County, and "to cause a map of the courses and distances of the aforesaid public road to be laid out to be returned to the Clerk of the Peace in and for Kent County;" and whereas a majority of the commissioners appointed and named in said act did lay out, under and by authority of the act of the General Assembly aforesaid, and in conformity with its provisions a public road in the Hundred and County aforesaid, and did cause a map of the courses and distances of the road so laid out, to be returned to the Clerk of the Peace aforesaid, which map of the courses and distances of said public road, so as aforesaid returned, has been taken from the office of the Clerk of the Peace, in and for Kent County, and cannot be found; and whereas by an act of the General Assembly of the State of Delaware, passed at Dover, January 31, 1862, entitled "A Supplement to the Act entitled An Act to authorize the laying out a public road in Kent County," passed at Dover, January 24, 1861, the said road so, as aforesaid, laid out was declared to be a public road. Therefore,

Making and return of a map of the road into the office of the Clerk of the Peace. Loss of the map returned. 13 vol. 235.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:—

Commissioners appointed.

SECTION 1. That Daniel Curry, Henry B. Fiddeman, Stephen M. Collins, Joshua H. Hill and Clement L. Sharp be, and they are hereby appointed commissioners to go upon and view the said public road laid out as aforesaid, under the act of the General Assembly aforesaid, passed at Dover, January 24, 1861, and declared to be a public road by the aforesaid act of the General Assembly of this State, passed at Dover, January 29th, 1862, and, if in their judgment, or in the judgment of a majority of them, it be expedient to do so, to extend the same through lands formerly of Benjamin Potter, deceased, till it shall intersect Mispillion Creek at such point as in their judgment, or in the judgment of a majority of them, will best promote the public convenience.

To view the road formerly laid out.

If proper—to extend the same.

SECTION 2. The commissioners aforesaid, or a majority of them, shall assess such damages to the owners of any lands through which the extension of said public road may pass, as in their judgment may be right and proper, to be allowed by the Levy Court of Kent County, if they shall deem it proper, and to be paid in the same manner as other allowances of said Levy Court.

Assessment of damages.

To be allowed by the Levy Court.

SECTION 3. It shall be the duty of the commissioners, or a majority of them named in this act, to cause the public road laid out under the aforesaid act of the General Assembly, passed at Dover, January 24, 1861, and declared by the act of

Commissioners to cause the old road to be re-surveyed.

Map of the re-survey to be returned into the office of the Clerk of the Peace.

Such map to be considered as the former return.

May be given in evidence, for all purposes as the original.

the General Assembly, passed at Dover, January 29, 1862, to be a public road, to be resurveyed, and to cause a map of the courses and distances to be returned into the office of the Clerk of the Peace, in and for Kent County; and said map, when so returned, shall be deemed and taken to be the true courses and distances of the road as originally laid out, and returned to, and confirmed by, the Levy Court, and lost as aforesaid, and shall take the place thereof and be considered as such return; and may be given in evidence as such under the general issue, in all suits or other proceedings, now, or hereafter to be instituted, when such evidence is, or may be, material, with the same effect, and to all purposes, as though it had been the original return, so confirmed and lost as aforesaid.

Map of the Extension.

When returned, the extension to be deemed a public road.

The said commissioners, or a majority of them, if they deem an extension necessary, as aforesaid, shall, also, in connection with the plot of the old road, make out a map of such extension, showing the courses and distances thereof, and return the same into the office of the Clerk of the Peace aforesaid; and when such map shall be so returned the said extension shall be deemed and taken to be a public road in and for Kent County, and shall be opened and maintained as such.

Appropriations by Levy Court.

Overseer.

In case of suits, this act to be his justification

SECTION 4. The Levy Court of Kent County may make appropriations to the road as described by the map of the courses and distances authorized to be made and returned to the office of the Clerk of the Peace, of Kent County, by this act; and appoint an overseer for said road, who shall have all the authority over said road conferred upon overseers of public roads by the laws of this State; and in any prosecutions or suits against him for the performance of his duty as such overseer, may plead this act as his sufficient justification.

Commissioners to be sworn.

SECTION 5. The commissioners named in this act, or a majority of them, shall, before entering upon their duties, be severally sworn or affirmed to perform the duties imposed by this act faithfully and impartially; and shall receive for each day they are engaged in the performance of said duties, the sum of one dollar each.

Laws inconsistent repealed.

SECTION 6. All laws and parts of laws of this State, inconsistent with the provisions of this act, are hereby repealed.

Public act.

SECTION 7. This act shall be deemed and taken to be a public act.

Passed at Dover, January 28, 1863.

CHAPTER 257.

An Act to authorize the Register of Wills in and for New Castle County to transcribe Index of Settlements.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Register of Wills, in and for New Castle County, be, and he is hereby authorized to transcribe, in a suitable book, the Index of Settlements in his office, from the year 1809 up to the present time.*

Register of
Wills of New
Castle
County au-
thorized to
Transcribe
Index of
Settlements.

SECTION 2. *And be it further enacted, That the Levy Court and Court of Appeal, for New Castle Court,* shall make to the said Register a fair and reasonable allowance for transcribing the said index.*

Allowance
by Levy
Court.

Passed at Dover, January 30, 1863.

* So in original.

CHAPTER 258.

An Act to allow an Additional Constable to the County of New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Levy Court of New Castle County, be, and they are hereby authorized and required to appoint an Additional Constable in New Castle County, who shall reside in the Village of Brandywine, or in the immediate neighborhood, in Brandywine Hundred.*

Levy Court
of New Cas-
tle County
authorized
to appoint
an addition-
al constable.
To reside in
or in the im-
mediate
neighbor-
hood of
Brandywine
Village.

The office of Constable, hereby created, shall continue until this act shall be repealed, and the appointment thereto shall be made, and vacancies filled as provided by the laws and Constitution of this State.

Continu-
ance of the
office hereby
created.
Vacancies ;
how filled.

Passed at Dover, February 3, 1863.

CHAPTER 259.

An Act appointing Commissioners to change and straighten the course of a public road in Kent County.

Commissioners appointed.

To view public road from Big Oak to Bell's Mill in Duck Creek Hundred.

If deemed proper, to straighten.

Course of Road when changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That George Davis, James Spruance and William Boyer be, and they are hereby appointed Commissioners to go upon and view the public road in Duck Creek Hundred, leading from the big oak to Bell's Mills, and if in their judgment, or in the judgment of a majority of them, the public convenience would be promoted by changing the course of a part of said public road, they, or a majority of them are hereby authorized to change and straighten said public road as follows: Beginning at a point in said public road where it is intersected by another road, called the Brown Road, and from thence to run and extend the said first mentioned road through lands of Jonathan Brown and lands of John Serverson, till it terminates in the aforesaid road leading from the Big Oak to Bell's Mills, on the lands of Jonathan Brown.

Map of the road as changed to be returned to the office of the Clerk of the Peace. Assessment of damages and costs of opening.

SECTION 2. *Be it enacted by the authority aforesaid,* That the Commissioners aforesaid, or a majority of them, are hereby authorized to cause a map of the courses and distances of the road as hereby authorized to be changed and straightened, to be made out and returned to the office of the Clerk of the Peace in and for Kent County aforesaid, with an estimate of the costs of opening said road for public travel, and an assessment of damages (if any are allowed,) to the persons through whose lands the alteration in said road will pass.

Levy Court may adopt the change.

Appropriations for opening.

When opened to be a public road. The part of the old road superseded to be vacated.

Owners authorized to enclose.

SECTION 3. *Be it further enacted,* That the Levy Court of Kent County, may adopt the alterations and changes made by the Commissioners aforesaid, as a part of the road leading from the Big Oak to Bell's Mill, and may make appropriations for opening the same for public travel; and the road when so opened shall be deemed and taken to be a public road; and that part of the old road superseded by the alterations and changes hereby authorized to be made, shall thereupon be vacated, and may be enclosed by the persons through whose lands the said vacated portion of the old road passes, and in any proceedings against them for so doing, they may give this act in evidence, under the general issue, as their sufficient justification.

SECTION 4. *Be it further enacted*, That the Commissioners aforesaid, before entering upon their duties under this act, shall be severally sworn or affirmed to discharge the duties herein imposed impartially and to the best of their skill and judgment, and may respectively administer the oath or affirmation to each other. Commissioners to be sworn.

They shall receive each the sum of one dollar for each day's attendance as commissioners aforesaid, to be allowed, together with all other costs, by the Levy Court of Kent County, as in other cases. Compensation of commissioners.

SECTION 5. *Be it further enacted*, This act shall be deemed and taken to be a public act. Public Act.

Passed at Dover, February 10, 1863.

CHAPTER 260.

An Act to Incorporate "The Smyrna and Philadelphia Steamboat Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, (two-thirds of each branch concurring), That H. N. Wickersham, Isaac Short, James R. Clements, George W. Cummins, William Denney, William Collins, Jacob Deakyne, and all such persons as now are, or shall become stockholders in a company now forming for the building or procuring a steamboat to run from Smyrna Landing, or some point on Duck Creek below said landing, to the City of Philadelphia, touching at any other points on said Duck Creek and on the Delaware River, between the starting point on said creek and the said city of Philadelphia; and their successors and assigns be, and they are hereby constituted and declared to be a corporation and body politic, by the name, title and designation of "The Smyrna and Philadelphia Steamboat Company," and by that name may have succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded in all courts of record, and shall have full right, power and legal authority to purchase, build, hold, use, occupy and convey any steamboats for the transportation of passengers, merchandize and commodities to, from and between the points and places above mentioned, or any of them, and also all lands, Incorporation. Corporate powers.

tenements and hereditaments and personal estate whatsoever which shall be necessary or proper to carry into effect the objects of the said corporation.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the capital stock of the said corporation, shall not exceed the sum of fifty thousand dollars, divided into shares of twenty-five dollars each; and shall be employed in the building or the purchase of one or more steamboats, with engines, boilers and machinery and rigging, furniture, tackle and apparatus, and in the repairs necessary thereto, from time to time, and in the purchase of real estate, and the construction thereon of suitable store-houses and other buildings for the safe keeping and preservation of goods, wares and merchandise and commodities owned or transported, or to be transported by said corporation, and in the construction of wharves, docks, and landing places for the boat or boats of said corporation, and for such other purposes as may be necessary and convenient for steamboat navigation, and for the purpose of procuring and maintaining stages, wagons or other vehicles and horses for the conveyance of passengers and merchandise and commodities by land, to and from the said steamboat or steamboats, and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Capital stock not to exceed \$50,000. Shares \$25 each. How employed. Steamboats. Store houses. Wharves. Stages. Capital stock personal estate. How transferable.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the directors hereinafter named in the fifth section of this act, or any four of them, shall have power and authority to open books of subscription to said stock at such time or times and place or places as they, or a majority of them, shall think proper, giving at least twenty days notice, in some newspaper published in this State, of their meeting to receive subscriptions to said stock. Five dollars on each share subscribed shall be paid to the said directors in gold or silver coin, or in current bank notes, at the time of subscription, and whenever five thousand dollars shall be paid in or expended in the building or purchase of a steamboat, the said company shall be considered fully organized, and may proceed to elect their officers, and the board of directors shall and may call in the residue of said stock subscribed for at such times and in such payments as they shall deem expedient, giving thirty days notice of the amount, time, and place of payment in at least one newspaper published in this State, but not more than ten dollars on each share shall be called for at any one time.

Subscription books to be opened. Notice of opening books. Company organized when \$5,000 paid. Calls of stock. Notice of. Limitation of call.

SECTION 4. *And be it further enacted by the authority aforesaid,* That the affairs, property and concerns of the said corporation shall be conducted by seven directors, who shall be stockholders, and shall be chosen annually, by ballot, by the stockholders, either in person or by proxy. In all questions, whether the choice of directors or otherwise, each share shall be entitled to one vote. Should a vacancy at any time occur in the board of directors, the place may be supplied by appointment by the remaining directors, until the next annual election. The first election for directors under this act shall be held in Smyrna, on the first Saturday in May next, after the passage hereof, twenty days notice being first given in at least one newspaper published in this State.

Directors.
How chosen
Vote of
stockhold-
ers.
Vacancies—
how filled.
First elec-
tion—when
held.
Notice.

The stockholders when met shall choose two persons as judges of election, and all future elections of Directors for said corporation, shall be held annually at such time and place as the by-laws shall direct.

Annual elec-
tions.

SECTION 5. *And be it further enacted by the authority aforesaid,* That H. N. Wickersham, Isaac Short, James R. Clements, George W. Cummins, William Denney, William Collins and Jacob Deakyne shall be, and they are hereby declared to be the Directors of the said corporation from the passage of this act, until the election is held, as provided in the foregoing section.

Directors
appointed
until an
election.

SECTION 6. *And be it further enacted by the authority aforesaid,* That the Directors shall have power to elect a President, who shall be a Director, a Treasurer and all such other officers and agents, and to employ such workmen, artificers and laborers as shall be necessary to carry into effect and execute the powers and objects of the said corporation, and to allow such compensation as they may deem proper; and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts. They shall have power to make, ordain and establish such by-laws, rules and regulations for the management and conduction of the affairs of the said corporation as to them may seem expedient, and to alter the same at pleasure, and may therein fix, determine and regulate the price of transportation of passengers, goods, wares, merchandise or commodities whatsoever, that may be carried or transported in the boat or boats or vehicles of said corporation. The Directors shall, from time to time, as they shall deem proper, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the same over to the parties entitled;

Directors,
powers of.

Authorized
to require
bond.

By-laws.

Dividends.

Quorum.

but no part of the capital stock shall be divided during the continuance of the corporation. A majority of the Directors shall constitute a quorum, and in all questions a majority of the Directors present shall decide.

Delinquent subscribers.

SECTION 7. *And be it further enacted by the authority aforesaid,* That if any subscriber or subscribers to the capital stock shall neglect or refuse to pay any instalment or instalments, which he or they may be liable to pay, for the space of thirty days after the time the same may have been called for and appointed for the payment thereof, by advertisement, published by order of the Directors, in at least one newspaper published in this State, for the space of thirty days previous thereto, then, and in such case, the Directors may either declare such share or shares of which the instalment or instalments are neglected or refused to be paid, to be forfeited, and they may sell or dispose of the same for the advantage and benefit of the corporation, or they may, in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with interest and cost in like manner as other debts of like amount are recoverable by the laws of this State.

Forfeiture of stock.

Suit for subscription.

Delinquents not allowed to vote.

No delinquent stockholder, during the time that any such instalment remains due and unpaid, shall be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock standing in his name.

Failure to elect Directors no cause of dissolution.

SECTION 8. *And be it further enacted by the authority aforesaid,* That if an election of Directors shall not be made on any day when it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the Directors for the time being, shall, in all cases continue to hold their offices until new ones shall have been chosen in their stead.

Banking powers denied.

SECTION 9. *And be it further enacted by the authority aforesaid,* That the said corporation shall not use or employ any part of the capital stock or other funds for banking purposes, but for such objects only as are clearly contemplated by this act.

Continuance of Incorporation.

SECTION 10. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for twenty years, and no longer without renewal, and that the Legislature may, at any time hereafter, revoke the same.

Passed at Dover, February 11, 1863.

CHAPTER 261.

An Act in addition to the Act for the benefit of Public Schools in Wilmington.

10 vol., 644.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two thirds of each branch), That the Mayor and Council of Wilmington shall have power, and said Mayor and Council are hereby authorized to borrow, upon the faith and credit of said city, twelve thousand dollars for the use of the Board of Public Education in Wilmington, to enable said Board to build one or more school-houses, and purchase ground if needed, to accommodate children entitled to the benefit of the Public Schools. And the City Council of Wilmington shall have power, and said Council is hereby authorized, by ordinance, to direct said borrowing or loan, to prescribe the manner and terms of borrowing, the rate of interest, the form of certificates of indebtedness and time of payment; but said time of payment shall not be more than twenty years from the date of borrowing, and the interest shall be payable semi-annually, and shall not exceed the rate of six per centum per annum.

Mayor and Council authorized to borrow \$12,000.

To build school houses.

Council to direct terms and manner of borrowing.

Limitation of payment.

Rate of interest.

The said twelve thousand dollars may be borrowed in parts or sums, not exceeding in all the said amount, and the act of borrowing shall pledge the faith of the city to the payment.

Passed at Dover, February 11, 1863.

CHAPTER 262.

An Act to amend Chapter 47 of the Revised Statutes of the State of Delaware.

Revised code 127.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Chapter 47 of the Revised Statutes of the State of Delaware be, and the same is hereby amended as follows, to wit: Insert between the words "Homœopathic System" and the word "exclusively" in the twelfth and thirteenth lines of the seventh section thereof, the words "or Hygeio Therapeutic system," and the chapter thus amended shall hereafter be so printed and construed.

Section 7 amended by extending exemption to Hygeio Therapeutic Practitioners.

Passed at Dover, February 11, 1863.

CHAPTER 263.

12 vol. 252.
Taxing
Dogn.

An Act to amend Chapter 229 of the Statutes at Large of the State of Delaware. Passed at Dover, February 7, 1862.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,—

Title
amended.

SECTION 1. That the title of chapter 229 of the Statutes at large of the State of Delaware, be, and the same is hereby amended by striking out the words "and Kent Counties" occurring in the second line of said title, and inserting in lieu thereof the word "county."

Section 1
amended.

SECTION 2. *And be it further enacted by the authority aforesaid,* That Section 1 of Chapter 229 aforesaid, be, and the same is hereby amended by striking out the words "their several counties" occurring in the eighth and ninth lines of said section 1, and inserting in lieu thereof the words "New Castle County."

Section 9
amended.

SECTION 3. *And be it further enacted by the authority aforesaid,* That Section 9 of Chapter 229 aforesaid, be, and the same is hereby amended, by striking out the following words: "and to Duck Creek Hundred," in Kent County," occurring in second and third lines of said section 9.

Passed at Dover, February 12, 1863.

CHAPTER 264.

An Act authorizing the Governor to appoint an additional Notary Public for Cedar Creek Hundred, Sussex County.

Notary au-
thorized.
To reside in
eastern part
of Cedar
Creek Hun-
dred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Governor be, and he is hereby authorized to appoint an additional Notary Public for Cedar Creek Hundred, to reside in the Eastern part of said Hundred.

Passed at Dover, February 12, 1863.

CHAPTER 265.

An Act to amend the Act entitled, "An Act to incorporate the Union Hotel Company." 12 vol., p. 8.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring therein), That the act entitled "An Act to incorporate the Union Hotel Company," passed at Dover, January 24th A. D., 1861, be, and the same is hereby amended as follows, to wit: Insert the name of Bauduy Simmons in Section 1 in lieu of Joshua Simmons, and between the words, "George Richardson" and the words "and their associates" insert "Vincent C. Gilpin, Henry F. Askew, George Stearns, Francis Barry, Henry Finnegan." Additional corporators.

Also strike out Section 2, and insert in lieu thereof—

"SECTION 2. That the capital stock of said corporation shall not exceed one hundred thousand dollars, divided into two thousand shares of fifty dollars each, and that it shall be held as personal property, and as such be transferred under such regulations as the corporation shall judge convenient." Capital stock not to exceed \$100,000. How divided. Stock—how transferable.

Also strike out the word "three" in the seventh line of section 6, and in lieu thereof insert the word "five," and the act as thus amended shall hereafter be so printed and construed. Quorum.

Passed at Dover, February 13, 1863.

CHAPTER 266.

An Act for the benefit of Public Officers in the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from and after the passage of this act no Prothonotary or justice of the Peace in this State shall be compelled to issue any writ or other original process in a civil action or any writ of execution in any judgment in favor of any person not a resident of this State, unless the costs of the issuing of such writ shall be first paid or tendered to such officer, nor shall any sheriff, coroner, or constable be compelled to execute any such writ until the legal fees for such services shall be first paid or ten- Process not demandable at the suit of non-residents, without the payment of legal fees.

dered to such officer by the plaintiff in such action, his attorney or agent; any law, custom or usage of this State to the contrary notwithstanding.

SECTION 2. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

Passed at Dover, February 17, 1863.

CHAPTER 267.

An Act to change the name of the place called Hardscrabble to Jasper.

Hardscrabble changed to "Jasper"

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the place called Hardscrabble on the State road leading from Laurel to Georgetown, where the same crosses the County road leading from Concord to Millsborough, in Nanticoke Hundred, Sussex County, and State of Delaware, shall, from and after the passage of this act, be called and known by the name of Jasper, which shall be its proper designation.

Passed at Dover, February 17, 1863.

CHAPTER 268.

13 Vol. 160.

An Act to repeal an Act entitled "An Act to establish Inferior Courts in the several counties of this State." *Passed at Dover, March 6, 1861.*

Act repealed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the act entitled "An Act to establish Inferior Courts in the several counties of this State," passed at Dover, March 6, 1861, be, and the same is hereby repealed, and made null and void.

Causes on the docket to be sent before Grand Jury to be heard de novo.

SECTION 2. *And be it further enacted by the authority aforesaid*, That any cause or causes remaining on the docket of the Inferior Courts hereby abolished, that has or have not been tried or disposed of, shall be sent up before the Grand Jury of the

County where such cause or causes may be, and there heard and determined as if no proceedings had ever been before had on the same or as if the said Inferior Courts had never existed.

Passed at Dover, February, 17, 1863.

CHAPTER 269.

An Act to incorporate the Green Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met. (two-thirds of each branch of the Legislature concurring therein), as follows:—

SECTION 1. The owners of the low lands, marsh and cripple, in Duck Creek Hundred, Kent County, and State of Delaware, situated upon and contiguous to Green Branch and between the Middle Alley road and waters of Old Duck Creek, shall compose a company to be called the Green Branch Ditch Company, for the purpose of effectually draining, ditching and reclaiming the said low lands, marsh and cripple. Incorporation.

SECTION 2. William Denny, John Mustard, and Edward Beck, are hereby appointed commissioners, who shall view the premises and lay out such ditch or ditches as they may deem necessary for the purpose of draining said low grounds, marsh and cripple. If they think it necessary, they may take with them a competent surveyor. They shall make out a plot and return showing the dimensions, courses and distances of the ditch or ditches, and by general delineation, without survey, the boundary lines of the low lands, and each taxable's portion thereof, or of any land benefitted, and the estimated number of acres. The said plot and return shall be lodged in the Recorder's office, and be by him recorded. The Commissioners and surveyor, if any be chosen, shall be sworn or affirmed to the faithful and impartial discharge of their duty; all the commissioners must act, but a majority may decide any matter. In case of a vacancy occurring in the commissioners by death, resignation or refusal to act or otherwise, the others or other may fill the vacancy or vacancies. Commissioners.
To lay out ditches.
Plot.
Return of plot.
Commissioners and Surveyor to be sworn.
Vacancies, how filled.

SECTION 3. If any person shall be injured by the making of any such ditch, the commissioners shall award such person damages to the amount of such injury, and the same shall be

Who shall
contribute.

paid or tendered before cutting the ditch. All persons who will be benefitted by such ditch or ditches, shall be liable to contribute to the cost of making the same, and to the damages awarded, and the expenses of the proceedings, and recording the same.

Apportion-
ment of cost
and dam-
ages.

The commissioners shall determine who will be benefitted, and shall apportion the said cost, damages and expenses upon them according to such benefit.

Bridges
across pub-
lic road.

SECTION 4. If any public road crossed by such ditch will be benefitted, so that the public ought to make and maintain a bridge over the same, the commissioners shall so state in their return, and such bridge shall be made and kept up at the public charge.

Time of re-
turn.

First meet-
ing to
choose of-
ficers.

Notice.

Annual
meetings.

Voters.

SECTION 5. The commissioners shall, within ninety days from the passage of this act, make a return to the Recorder, and within thirty days thereafter, convene the persons liable to contribute to any ditch embraced therein, for the purpose of choosing two managers and a treasurer of the company for one year, or until others shall be chosen. Notice of the time and place of the meeting shall be posted in at least three public places in the neighborhood, five days at least before the meeting. The managers shall annually thereafter, in the same manner call a meeting for the same purpose on the first Saturday of April, at the place called Smyrna Station. At all meetings the white taxables present shall be entitled to cast one vote for every dollar of tax paid by them respectively.

Return to
be valid for
five years.

New assess-
ment, how
had.

Such as-
sessment
to be valid
for five
years.

SECTION 6. The return made by the commissioners shall remain in force for five years thereafter, as the basis of any subsequent assessment that may be made by the managers for the completing, cleansing or repairing the ditch or ditches or other necessary purposes. After five years a new assessment may be had by application of three or more taxables to any judge of the State or to the chancellor, who is hereby authorized to appoint three commissioners to make said new assessment. Said new assessment, when made, shall be returned and recorded as the original return, and shall stand as a basis of assessment for five years, and until another new assessment shall in like manner be made.

Managers,
duty of.

SECTION 7. The managers shall proceed to make and open the ditch or ditches laid out by the commissioners, and may clean and repair the same when necessary, and shall have all needful powers for that purpose. They shall keep regular ac-

counts of all expenditures, and render the same to the company at their annual meeting. All payments shall be made by orders drawn by them on the Treasurer.

Any person assessed for tax may discharge the same by Tax may be discharged by work. work done by directions of the managers, and their certificates shall be received by the Treasurer in payment of the tax.

SECTION 8. The treasurer shall collect all sums assessed as Treasurer, powers and duties. aforesaid, and shall have the same power for making such collections as a collector of county rates. He shall give Bond. bond to the Company, with approved surety, by the managers in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty, and for the payment to his successor of any money due from him.

He shall settle with the company at the annual meeting and Settlement of his accounts. shall be entitled to retain five per cent. of the amount received by him as his compensation. Compensation.

SECTION 9. Each commissioner and manager shall be paid, Commissioners and managers, how paid. by the company, one dollar for every day actually spent in discharge of his duties. The Recorder shall be paid one cent Recorder's fee. for every ten words he may record and two dollars for copying the plot. The surveyor, if any be employed, shall receive Surveyor's allowance. two dollars for each day's services on the premises and ten dollars for making plot and return.

SECTION 10. The said company is hereby created and declared to be a body politic and corporate, under the name of Name of corporation. the Green Branch Ditch Company and under and by that name shall be able to sue and be sued, plead and be impleaded in any court of law and equity in this State and shall have, possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

SECTION 11. The power to revoke this act is hereby Power of revocation. reserved.

SECTION 12. If any person shall stop up or obstruct any ditch cut under this act, he shall forfeit and pay to the Obstructions to ditches, penalty. managers, who may recover the same in the name of the Company and for its benefit as debts of like amounts are recoverable, a sum not less than five nor more than twenty dollars.

Passed at Dover, February 18, 1863.

CHAPTER 270.

An Act to repeal the Act entitled "An Act to create a Board of Fire Wardens in the city of Wilmington."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring).

ol. 113. SECTION 1. That the Act entitled "An Act to create a Board of Fire Wardens in the city of Wilmington," passed at Dover, March 5th, 1861, and the Act entitled "A supplement to the
12 vol. 239. Act entitled 'An Act to create a Board of Fire Wardens in the city of Wilmington, passed at Dover March 5th, 1861,' " passed at Dover February 4th, 1862, be and they are hereby repealed, made null and void.

Rev. Code,
220.

SECTION 2. That section forty-seven of chapter seventy-three of the Revised Code repealed by the aforesaid acts be and the same is hereby revived, re-enacted and restored to full force and effect, save and except that the words "two hundred dollars" in the third line of said section be and the same are hereby stricken out and the words "two hundred and fifty dollars" inserted in lieu thereof.

Passed at Dover, February 19, 1863.

CHAPTER 271.

An Act to prevent illegal arrests in this State.

Preamble.

Whereas, the people of this State, both by the Constitution of the United States and the Constitution of the State of Delaware, have the right "to be secure in their persons, house, papers and effects against unreasonable searches and seizures." And whereas, the more effectually to guard the personal liberty of the people the Constitution of the United States expressly provides that no person shall be "deprived of life, liberty or property without due process of law," and the Constitution of the State of Delaware provides that the accused "shall not be compelled to give evidence against him-

self, nor shall be deprived of life, liberty or property unless by the judgment of his peers or the law of the land." And whereas, citizens of this State in violation of the provisions of the Constitution of the United States and of the Constitution of the State of Delaware have been arrested and taken out of this State and deprived of their liberty; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That if any person or persons shall, within the limits of this State, arrest, or cause, procure or aid in the arrest of any white citizen of this State, or of any white non-resident, being at the time within the limits of this State, unless such arrest shall be made upon legal process issued for that purpose, by a Judge, Justice of the Peace, or some other officer duly authorized to issue process in criminal or civil proceedings by the laws of this State or of the United States, or unless such arrest be made to prevent a breach of the peace, or the commission of some crime against the laws of this State or of the United States, and in all cases where arrests shall be made to prevent a breach of the peace or the commission of some crime against the laws of this State or of the United States, the person or persons so arrested shall be, forthwith and without any intermediate incarceration, taken before a Judge, Justice of the Peace or other officer duly authorized to issue process in criminal cases, to be dealt with according to the course of the common law or of the statute in such case made and provided, and shall be released from imprisonment or arrest, unless then and there duly charged on oath or affirmation, and if so charged shall be bailed if the case be bailable, or otherwise dealt with according to the course of the common law or of the statute in such case made and provided, or unless the person arrested belong to the land or naval service of the United States or to the militia in actual service, such person or persons so offending shall be guilty of felony, and upon conviction thereof shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars and shall be imprisoned not less than six months nor more than two years.

Unlawful to arrest any white person in this State unless upon legal process, issued by some officer authorized to issue process, by the laws of the United States or this State. Or to prevent a breach of the peace or the commission of crime.

Any one arrested in the latter cases to be taken before Judicial officer, forthwith.

Release unless charged on oath. Bailed, if the case be bailable.

Exceptions.

Penalty.

SECTION 2. *Be it enacted by the authority aforesaid,* That if any person shall abduct, take or carry from the limits of this State any white citizen of this State, or any white non-resident, being at the time within the limits of this State, or shall cause, procure, assist or aid the abduction, taking or carrying from the limits of this State, any such citizen or non-resident, unless such person so abducted, taken or carried without the limits

Unlawful to take any white person from the limits of this State. Unless delivered upon requisition of

Executive of some other State or being in the land or naval service of U. S. or militia in actual service.

Penalty.

of the State shall be duly delivered up upon the requisition or demand of the Executive authority of some other State in conformity with the provisions of the Constitution of the United States in that behalf, or unless such person, so abducted, taken or carried away shall belong to the land or naval service of the United States or to the militia when in actual service, such person or persons so offending shall be guilty of felony, and upon conviction thereof shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars and shall be imprisoned not less than six months nor more than two years.

Unlawful to make affidavit to procure arrest of any white person in this State, before any one not authorized by the laws of U. S. or this State to take such affidavit.

Or to procure the removal from this State of any white person.

Penalty.

SECTION 3. *Be it enacted by the authority aforesaid,* That if any person or persons shall make, procure or cause to be made any affidavit or statement under oath or affirmation, for the purpose or with the intent of procuring or causing the arrest of any white citizen of this State or any white non-resident being at the time within the limits of this State before any person or persons not authorized by the laws of this State or of the United States, to take such affidavit or deposition or statement under oath or affirmation with the intent of procuring or causing the arrest of any white citizen of this State, or of any white non-resident as aforesaid, by any person acting under the military authority of any other State or of the United States and not acting by virtue of legal process, or shall make such affidavit with the intent of procuring or causing the abduction, removal, taking or carrying out of the limits of this State any white citizen of this State or any white non-resident as aforesaid, contrary to the laws of this State or of the United States, such person so offending shall be guilty of felony, and upon conviction thereof shall forfeit and pay a fine of not less than five hundred dollars nor more than two thousand dollars, and shall be imprisoned not less than six months nor more than two years.

Judges to give in charge, sections 1, 2, 3, of this act.

SECTION 4. *And be it further enacted by the authority aforesaid,* That the Judges presiding at the April Term of the Court of General Sessions of the Peace and Jail Delivery in Sussex and Kent Counties, and at the May Term of said Court in New Castle County shall give Sections 1, 2 and 3 of this Act specially in charge to the grand juries in the respective counties.

Passed at Dover, February 24, 1863.

CHAPTER 272.

An Act to authorize the laying out a Public Road in Broad Creek Hundred in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Peter West, Hezekiah Matthews, Henry R. Pepper, Daniel Cannon and Isaac N. F. Hopkins, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Broad Creek Hundred, Sussex County, with or without gates, as a majority of said commissioners may determine, commencing at the end of Levenah English's land on a County road leading from Terrapin Hill to Bacon's Steam Mill through the lands of Levenah English, Burton P. Truitt, Greenbury M. Truitt and ending on Sarah Truitt's land near her house at a road leading from Gumborough to Robert M. Rodney's store; and if they or a majority of them shall determine that there is need of such new public road they shall with the assistance of some skilful surveyor to be selected by them lay out the said new public road. The said commissioners shall make a map of said new road, showing its courses and distances, the woodland and cleared land through which it passes and other proper notes, and shall assess the damages of every the owners and holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road and of making the bridges and cross-ways therein separately and shall make said map, assessment of damages and computation of cost part of their return and shall return their proceedings to the Court of General Sessions of the Peace and Jail Delivery at its then next session in and for Sussex County. The effect of such return, when the same shall have been made, shall be the same as if the return had been upon proceedings had upon petition to the Court of General Sessions of the Peace and Jail Delivery in and for Sussex County to lay out a public road, and the same persons had been appointed by the said Court and had duly made return of their proceedings.

Commissioners appointed to view and determine whether public road needed in Broad Creek Hundred.

Limits.

If necessary they shall lay out the road.

Map.

Damages.

Proceedings to be returned to General Sessions.

Effect of the return.

SECTION 2. *And be it further enacted,* That all subsequent proceedings in relation to said road shall be the same as provided in chapter 60 of the Revised Statutes in reference to public roads in Sussex County, and when the Levy Court

Subsequent proceedings as provided in chapter 60, Revised Code.

When approved by Levy Court, to be public road.

shall have approved the said road it shall be deemed and taken as a public road of Sussex County and be subject to the same laws and regulations that govern the public roads therein laid out under the provisions of said chapter.

Commissioners to be sworn.

SECTION 3. *And be it further enacted*, That the said Commissioners and surveyor before viewing the premises shall be severally sworn or affirmed faithfully and impartially to perform the duties incumbent on them respectively; either of said Commissioners may administer the oath or affirmation to the others and the surveyor. A majority may do or determine any matter. In case of a vacancy, another or other Commissioners may be appointed by the Governor, whose duties shall be the same as hereinbefore provided. The fee of the Commissioners, surveyor and chain-carriers shall be the same as provided by law for services in case of laying out public roads and be paid in like manner.

Vacancy.

Fees.

Passed at Dover, February 24, 1863.

CHAPTER 273.

Del. Laws,
11th vol. 686

A supplement to the Act entitled "An Act to incorporate the Hangman's Creek Marsh Company."

Preamble.

Whereas, the present works and improvements authorized by the Act to which this is a supplement have been found insufficient for the purposes of draining and improving the lands therein mentioned; therefore,

Commissioners appointed.

How called out.

Duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Jacob Vandegrift, Thomas J. Foard and John M. Woods, be and they are hereby appointed Commissioners, who shall, at any time hereafter, upon the request in writing of the managers for the time being of the Hangman's Creek Marsh Company, or a majority of them, go upon the marshes, meadows and low grounds, now within the plot of the said Company and determine whether it is necessary to make, construct, and put in, any new banks, dams, sluices, ditches, canals and improvements or to alter and change the old ones, in order to drain and improve the marshes, meadows and low grounds aforesaid, and if in the opinion of the said Commissioners or a ma-

majority of them it shall be necessary; then it shall and may be lawful for the managers, at the expense of the company to make, construct and put in any such new banks, dams, sluices, ditches, canals and improvements or to alter and change the old ones in such manner as may be determined by the said commissioners and the same when so made, constructed and put in or altered or changed shall be kept up and maintained as the works of the company; *Provided*, That no change shall be made in the main canal as it now exists so as to extend the same beyond Locust Point. The Managers shall give ten days notice by advertisements posted in three of the most public places in the neighborhood prior to calling out the commissioners.

If additional improvements necessary. Managers authorized to make.

Proviso: no change in the main canal.

Notice by Managers of calling out Commissioners.

SECTION 2. *And be it further enacted*, That whensoever it shall be necessary to enter upon, occupy or use the land of any person for making, constructing, or putting in any such new improvement, or altering or changing an old one, or to put in any new sluice, or enlarge an old one, although no land be taken, and the managers shall not be able to agree with the owner or owners concerning the sum to be paid as compensation, either by reason of taking the land, or as damages for diverting the water from any canal between any owners, in case of making or enlarging any sluice, it shall be the duty of the commissioners, at the time of determining the necessity thereof, as before provided, to assess the damages, if any, sustained by reason of taking the land, or diverting the water as aforesaid, taking into consideration all circumstances of benefit and injury; and, such commissioners, whenever they shall deem any improvement necessary, or make any assessment of damages, shall return a plot of the contemplated improvement with the land necessary to be taken, used or occupied, and any assessment of damages, into the Recorder's office in and for New Castle County, and when so returned, and the damages paid or tendered, the said land embraced in the plot shall be the property of the Company.

When Managers unable to agree with land-owners, Commissioners to assess damages.

Plot of contemplated improvement to be returned into Recorder's office.

When damages paid, the land to belong to company.

SECTION 3. *And be it further enacted*, That the Commissioners and also any surveyor employed, shall be sworn or affirmed before entering upon their duties. The act of a majority shall be valid, and their decision shall be final. Their fees shall be one dollar each, and the fee of the surveyor two dollars per day, to be paid by the company. The damages assessed shall be paid or tendered before commencing the work. In case of infancy, or other disability, or non-residence in the State, a deposit in the Farmers' Bank, at New Castle, to the credit of the person entitled, shall be considered as payment.

Commissioners and surveyors to be sworn.

Fees.

Damages assessed to be paid before work commenced.

In case of disability or refusal, deposit in bank to be payment.

Vacancies.
How filled.

In case of vacancy in the said commissioners by death, refusal to serve or otherwise, the Superior Court of New Castle County in term time, or any judge residing in said county in vacation, shall fill such vacancy, by appointment of one or more disinterested freeholders of said county, so as to keep up the said number, on the petition of the managers, or a majority of them, upon ten days notice by the said managers, or a majority, by advertisements posted as aforesaid.

Notice of application to fill vacancy.

Passed at Dover, February, 26, 1863.

CHAPTER 274.

An Act to authorize the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, to procure a new Press and Seal of office.

C. H. Richards Pro. of Sussex, authorized to procure new press and seal.
Description.

When completed, to be seal of Sup. Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Charles H. Richards, Esq., Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, be, and he is hereby authorized and empowered to procure a new press and seal for his office. The seal to be made of brass, of the diameter of at least one and a half inches, and engraved with the devices of the present seal, which said seal, when completed, shall be taken and deemed to be the seal of the said Superior Court, in and for Sussex County, and shall thereafter be fixed to all writings, papers, and records, where the seal of said Court is required; and the present seal shall then be broken up and destroyed, by the said Prothonotary.

Levy Court to pay expenses.

SECTION 2. *And be it further enacted,* That the Levy Court and Court of Appeal, of Sussex County, shall pay the necessary cost and expenses of procuring the said new press and seal.

Passed at Dover, February 27, 1863.

CHAPTER 275.

An Act for the Benefit of Certain Records.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Charles H. Richards, the present Prothonotary in and for Sussex County, be, and he is hereby authorized to have rebound the judgment Records of eighteen hundred and fifty-four and eighteen hundred and fifty-seven, in the said Prothonotary's office. C. H. Richards authorized to have certain record books rebound.

SECTION 2. *And be it further enacted,* That the Levy Court, in and for Sussex County, is hereby directed to pay all expenses attending the binding of the same; and that the said Prothonotary be directed to superintend, in person, the said binding. Levy Court directed to pay expenses.

Passed at Dover, March 3, 1863.

CHAPTER 276.

An Act to amend Chapter 12 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 12 of the Revised Statutes be, and the same is hereby amended as follows: Revised Code 28. By adding to section 21 of the said chapter, the words following: "And it shall be the duty of each collector aforesaid, to give duplicate receipts for his, her, or their tax, to any person or persons whose tax has been paid, and for each such duplicate receipt demanded, each such collector shall be paid the sum of two cents, to be paid by the person demanding the same, and shall mark every such receipt with the word "Duplicate;" and if any such Collector shall wilfully fail to give such duplicate receipt, upon the tender to him of two cents, as aforesaid, he shall, upon conviction thereof by indictment, be fined one hundred dollars." Revised Code 32. Collector to give duplicate receipts Fee. Penalty for refusal.

Passed at Dover, March 3, 1863.

CHAPTER 277.

An Act authorizing the Clerk of the Orphans' Court of Sussex County to transcribe Index.

Authorized
to copy cer-
tain indexes

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Clerk of the Orphans' Court, in and for the County of Sussex, be, and he is hereby authorized to cause to be made a true and correct copy of the Direct and Reverse Indexes to Divisions &c., Guardian Bonds, Recognizances, Appeals and Suits in his office, from the year A. D. 1728 to the year A. D. 1847.

John H.
Paynter, C.
W. Wright
appointed
to examine.

To certify
their ap-
proval.

To fix the
compensa-
tion of clerk.

Levy Court
to pay the
sum fixed.

Compensa-
tion of Com-
missioners.

SECTION 2. *And be it further enacted,* That if the Clerk of the Orphans' Court shall copy said indexes as aforesaid, then that John H. Paynter and C. W. Wright, Esqs., be, and they are hereby appointed commissioners, whose duty it shall be to examine said Indexes after the Clerk shall have completed them; and, if they approve of the execution thereof, they shall certify on the record the same to be a true and correct copy, and that then and after such certificate the said copy shall become and be the Indexes to the said records. And the said commissioners shall also fix the sum to be paid the said clerk for his services on the completion thereof, and report the same to the Levy Court of Sussex County by their certificate, and thereupon it shall be the duty of the said Levy Court to pay to the said clerk the sum so as aforesaid fixed by the said Commissioners, as also to the said Commissioners a just and reasonable compensation for their services.

Passed at Dover, March 3, 1863.

CHAPTER 278.

Del. Laws,
12th vol. 49.

A Supplement to the act entitled "An Act to incorporate the Town of Middletown."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall be lawful for the town Commissioners of the town of Middle-

town, elected or hereafter to be elected, to negotiate a loan of one thousand dollars, payable by equal instalments in one, two, three and four years, from the first day of September A. D. 1863, bearing interest at the rate of six per centum per annum, and pledge the faith of said town for the payment thereof, to be expended for the purpose of repairing the public streets in said town in such manner as to them shall seem most proper and advisable. The said commissioners may borrow said sum of one thousand dollars in such sum or sums, and at such time or times as shall to them appear expedient, and may execute under their hands and seals, as such commissioners, a bond or bonds for the payment of every sum by them borrowed under the provisions of this act, but interest on any such bond or bonds shall only be calculated and paid from the day on which any such bond may be executed until the time of payment thereof: Provided, however, that the Commissioners aforesaid, shall not obligate the said town to pay more than one-fourth of the loan hereby authorized in any one year, with the interest due and unpaid on the whole amount of the money borrowed by them under the provisions of this act, and the payment of no sum shall be postponed beyond four years from the first day of September A. D. 1863.

Town Commissioners authorized to negotiate a loan of one thousand dollars payable in four years, in equal instalments.

To repair the public streets.

May execute bonds as security.

Interest to run only from the execution of bond.

Not more than one-fourth of the loan to be payable in any one year.

Time of payment limited to September 1, 1867.

Passed at Dover, March 3, 1863.

CHAPTER 279.

An Act to authorize the laying out a Public Road in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Joseph Watson, James Houston, Alfred K. Hall, James H. Deputy and Peter Calhoun be, and they are hereby appointed Commissioners to open a public road in Cedar Creek Hundred, Sussex County. Beginning in the public road leading from Milford to the Delaware Bay (at Thorn Point), at or near Salt-ridge Branch, following the private road leading to the Gravel Landing on a line of lands of Rev. T. P. McColley and Robert W. Ingram, across lands of David W. Bennett, other lands of Rev. T. P. McColley and John W. Potter, to a stone in the line of lands of the said Potter and corner for lands of Thomas J. Davis and Benjamin E. Potter; thence on a route to be determined by the said commissioners heretofore named, to a stone corner for lands of the said Thomas J. Davis and Esther Coverdale, at or near the mouth of an old lane; thence on a

Commissioners appointed to open road in Cedar Creek Hundred.

Limits of Road.

line of lands of the two last named persons, to a stone corner for lands of Robert H. Davis, Thomas J. Davis and Esther Coverdale; thence from a stone in the line of the said John W. Potter, and corner for lands of the said Thomas J. Davis and Benjamin E. Potter, following the line of lands of the said John W. Potter and undivided lands of the said Thomas J. Davis and Benjamin E. Potter, and on a line of lands of Joseph Jackson and Peter L. Lofland to the corner of the said Lofland's embanked field; thence across the corner of lands of the said Lofland and Jacob Cannon (n), in equal parts, to the mouth of a lane between lands of Henry J. Pierce, Jacob Cannon (n) and Miles T. Mills to the M. E. Church; thence on a line of lands of the said Church and School Dis. No. 1, to the Beach road; thence on a line of lands of C. S. Watson, Esq., Miles T. Mills and heirs of Edmund Potter, dec'd, until it intersects the new public road leading to the Delaware Bay. The aforesaid public road to be laid out to be as straight as the circumstances will admit, and the aforesaid commissioners, or a majority of them, shall have authority, and they are hereby required to cause the same to be surveyed, and to assess any damage which may accrue to the owner or owners of said lands through which the said public road shall pass.

Road to be laid out as straight as practicable.

Damages to be assessed.

SECTION 2. *And be it further enacted,* That the aforesaid commissioners shall cause a map of the courses and distances of the aforesaid public road to be laid out, to be returned to the Clerk of the Peace in and for Sussex County, and that when all costs accrued by this act shall have been paid, any person or persons interested in the said public road shall have full power to go upon and open the same. And that when it shall have been certified to the Levy Court of the said County that the said new public road is open for public travel, then the said Levy Court may accept the same, and maintain the same at public expense.

Map to be returned to Clerk of the Peace.

When all costs are paid, any person interested may open.

When certified to Levy Court, they may accept and maintain the same.

SECTION 3. *And be it further enacted,* That the commissioners before entering upon the duties hereinbefore mentioned shall be severall* sworn or affirmed to perform the duties imposed upon them by the said act faithfully and impartially, according to the best of their skill and judgment, and shall receive for every day they are engaged in the performance of their duties under this act the sum of one dollar each.

Commissioners to be sworn.

Fees.

Passed at Dover, March 3, 1863.

* So in original.

CHAPTER 280.

An Act to amend the act entitled "An Act incorporating the Green Branch Ditch Company." 11th vol. 692.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring). That the Act incorporating the Green Branch Ditch Company, passed at Dover, February 21, 1859, be, and is hereby amended, as follows:—

Strike out the word "second" in line two of section 2, and insert in lieu thereof the word "third;" also strike the word "second" in line six of the said section, and insert in lieu thereof the word "third." Time of meeting changed.

Passed at Dover, March 6, 1863.

CHAPTER 281.

An Act appointing Commissioners to straighten a Public Road in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Robert G. Ellegood, Thos. Calhoun and Robert Lambden, of Sussex County, be, and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of straightening that portion of the public road leading from Millsborough to Concord, where the same passes through or between the lands of Wm. D. Ricords and Jasper Dawson, of the one part, and Isaac Dolby's heirs, of the second part, beginning at or near the 1st corner of the X road (Folk's X Roads); thence to a pine stump, situate on said road, and if they, or a majority of them, shall determine that there is need of straightening such a portion of said public road, they shall, with the assistance of some skilful surveyor, to be selected by them, straighten such portion of said road, vacating so much of the old road as is supplied by said new road, having respect to the nature of the ground, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distance thereof, with notes of the most remarkable places and improvements*

Commissioners appointed to determine necessity to straighten road from Millsborough to Concord.
If necessary directed to straighten.
So much of old road as supplied vacated.
Plot to be made.

Damages assessed.

by or through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all circumstances of benefit, as well as injury, which will accrue to each of said owners; and they shall make a computation of the cost of straightening said road, setting down the several items of said cost, and shall annex to their return the aforementioned plot.

Plot and return to be returned to the Court of Gen. Sessions, but shall not be conclusive.

Court may make orders of review.

Powers and duties of reviewers.

Review—how obtained.

If the entire proceedings of the Commissioners or all except computation of costs be adopted, the court shall confirm, otherwise another order of review granted.

Proceedings in relation to orders of review shall be according to Revised Statutes chap. 60, § 7.

Commissioners to be sworn.

Vacancies.

SECTION 2. *And be it further enacted*, That the plot and return so to be made, as aforesaid, by the said Commissioners, shall be returned to the Court of General Sessions of the Peace and Jail Delivery within the County of Sussex; but the said return shall not be conclusive. The said Court shall have power to make orders of review, and thereby appoint five suitable persons to review the premises, and determine concerning the same, and make return on the first day of the next term, granting them all the authority which is conferred by the first section of this act, with similar instructions, and directing them, if they approve of the previous proceedings, or any part thereof, to adopt the same. A review shall be granted, on application to the court, of any one interested in or affected by the proceedings of the Commissioners appointing* by this act. If the entire proceedings of the said last named commissioners, or all except the computation of cost, be adopted by the return to the order of review, that return shall be confirmed by the Court; in any other case another order of review shall be made on application of any one interested or affected as aforesaid, and all the proceedings in and before said Court in relation to orders of review, shall be as one provided in section 7 of chapter 60 of the Revised Statutes of this State.

SECTION 3. *And be it further enacted*, That the said Commissioners, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said Commissioners to any other of said Commissioners or the surveyor. The act of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another, or others, may be appointed commissioner, or commissioners, by any Justice of the Peace in said County.

Passed at Dover, March 6, 1863.

* So in original.

CHAPTER 282.

A Supplement to an Act entitled, "An Act directing the manner of choosing Commissioners to regulate and repair the Street of Milford, and for other purposes."

Del. Laws,
vol. 7, 441.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act directing the manner of choosing commissioners to regulate and repair the street of Milford, and for other purposes, passed at Dover, February 13th, 1841, be amended, to wit:*

By striking out the following words in section 16, commencing in the 11 line, as follows: "Provided that the mill property and appurtenances thereunto belonging, contained within the limits of said town, as herein set forth, commonly called Milford Mills, and now belonging to John M. Darby," be, and the same are hereby repealed, made null and void.

Vol. 9, 366.

Amended
by striking
out the ex-
emption of
property
from taxa-
tion.

Passed at Dover, March 10, 1863.

CHAPTER 283.

An Act to amend Chapter 8 of the Revised Statutes.

Rev. code 10

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That chapter 8, section 19, of the Revised Statutes, be, and the same is hereby amended as follows: By inserting in the said section after the word "County," the words "excepting for the City of Wilmington, for which city two collectors shall be appointed, one for the first, second and third wards, and one for the fourth and fifth wards of the said city."*

Rev. code 14

Passed at Dover, March 10, 1863.

CHAPTER 284.

An Act vacating a part of a Public Road in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That all that part of a county road, leading from a post, near Whitefield Dauhter's store to the Delaware Railroad, in Sussex County, which lies on the west side of the County Road leading from Concord to Laurel, be, and the same is hereby vacated, made null and void.

Part of
county road
vacated
near Dauhter's store.

Levy Court
of Sussex to
appoint
Overseer on
balance of
road.

SECTION 2. *And be it further enacted,* That it shall be the duty of the Levy Court of Sussex County, at its next session, after the passage of this act, or as soon thereafter as the Levy Court Commissioner of Broad Creek Hundred shall receive the same, to appoint an overseer on the balance of said road; to wit: That part leading from near Whitefield Daughters store to Gillis S. Hitchen's gate, on the County road leading from Concord to Laurel, whose duty shall be the same as that of the other overseer of County roads in Sussex County.

Passed at Dover, March 10, 1863.

CHAPTER 285.

11th vol. 717 *A Supplement to the Act entitled "An Act appointing freeholders to lay out a Public Road." Passed at Dover, February 24, 1859.*

Preamble. WHEREAS by an act of the General Assembly of this State, entitled "An act appointing freeholders to lay out a public road," passed at Dover, February 24, 1859, certain freeholders in said act named were appointed commissioners to lay out a public road partly in Kent and partly in Sussex County, the courses and distances whereof are described in the act aforesaid, and to cause one map and return, showing the courses and distances of the road so laid out, to be returned to the Clerk of the Peace in and for Kent County, and another to the Clerk of the Peace in and for Sussex County, to be by them laid before the Levy Courts of said Counties; and where-

Recites that
the road
contem-
plated by
the
former act
was laid out
partly in
Kent and
partly in
Sussex.

as the said Commissioners did lay out the public road authorised as aforesaid, and cause the maps and returns to be returned, as by said act required; and whereas so much of said road as lies in Kent County was accepted by the Levy Court of said county, and has now been opened for nearly three years in good order for public travel; and whereas the Levy Court of Sussex County have ever refused to adopt that part of said road which lies in said county, as a public road, and to make an appropriation to open the same, whereby great inconvenience has resulted to the public generally. Therefore,

That the Levy Court of Kent County accepted.

That Levy Court of Sussex refused.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Levy Court of Sussex County be, and they are hereby required to adopt as a public road of said county, so much of the road laid out under the provisions of the act to which this is a supplement, as lies in said County of Sussex, and to make an appropriation for opening the same for public travel, any thing in the said act, to which this is a supplement, to the contrary notwithstanding.

Levy Court of Sussex required to adopt and make appropriations for opening.

SECTION 2. *And be it further enacted,* That after the said road shall have been opened and put in order for public travel, as provided for by this act, it shall be maintained and kept in repair as other public roads in said county, and subject to the same regulations.

After the road shall have been opened it shall be maintained as other public roads

Passed at Dover, March 10, 1863.

CHAPTER 286.

An Act appointing Commissioners to lay out a Public Road in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Nathaniel King, Joshua Cannon and Wm. P. Jones be, and they are hereby appointed commissioners to lay out a public road in Broad Creek Hundred, Sussex County, beginning at a public road near Gumborough, running with a division line between lands of John W. Radish and Louder N. Hearn; thence with a division line between the lands of said Louder N. Hearn and Jacob Gunby; and thence with a division line between

Commissioners appointed to lay out a road in Broad Creek Hundred. Limits.

To cause the
road to be
opened.
To assess
damages.
To vacate
old road.

lands of Louder N. Hearn and John B. Gunby; and thence to cross lands of the said Louder N. Hearn and Ebenezer Gray, to the bridge across the Pocomoke River, on the road that leads across Newfoundland; and the said commissioners, or a majority of them, shall have authority, and they are hereby required to cause the same to be surveyed and opened as aforesaid, and to assess any damages which may accrue to the owner or owners of any land through which the said public road shall pass, and to vacate the public road that leads from the public road that leads from Gumborough on by the Bethel M. E. Church, to the river bridge.

The road proposed to be vacated begins near Benjamin Brettingham's residence, running thence to the river bridge before mentioned.

Expenses to
be borne by
voluntary
contribution.
When ac-
cepted by
Levy Court
to be kept in
repair as
other public
roads.

SECTION 2. *And be it further enacted,* That the expense and damages, if any, attending the opening and making of said road shall be defrayed by voluntary subscription of such persons as may be interested in opening said road, and when opened and accepted by the Levy Court of said County, the same shall be kept in repair as other public roads in said county.

Passed at Dover, March 10, 1863.

CHAPTER 287.

An Act appointing freeholders to Construct a Public Bridge, and for other purposes in Kent and Sussex Counties.

Commis-
sioners to
view the
old bridge
at Milford.
To view the
street.
To deter-
mine whe-
ther a new
bridge
should be
erected, and
street
widened.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Tharp, Curtis S. Watson, G. H. Wright, William V. Coulter and Daniel Curry be, and they are hereby appointed commissioners to go upon and view the old bridge over Millpillion Creek in the town of Milford, lying, and being on the public road or street leading from the Milford Hotel to South Milford in Sussex County, and also view the width of street, and determine whether there is need of a new bridge and widening of the same, in connection with the widening of the street or road at or near the Creek or Bridge, for the better convenience of the public travel in Kent and Sussex Counties respectively, and such other improvements, in connection therewith, as shall be of public convenience in the hereafter

described limits in Kent and Sussex Counties, to wit: Com- Limits of the im-
provements mencing in the centre of the aforesaid street or road, opposite the building now occupied by William D. Fowler; thence southwardly across Mispillion Creek to Front Street in South Milford. And if the aforesaid Commissioners, or a majority of them, shall determine there is need for the aforesaid widening of street and bridge, and other improvements within the aforesaid limits, then they shall take to their assistance some skilful surveyor to be by them employed, and lay out such If necessary to have a
surveyor. further improvements in the street or road as shall be most proper, having respect to all the circumstances of public and private convenience or detriment, and shall cause two maps Maps. of said road or street to be made, showing the courses and distances thereof, with notes of the same by and through which the same passes, and shall assess the damages of every Damages. the owners or holders of the lands and improvements on occasion of the said road, street, or bridge, taking into consideration all the circumstances of benefit or injury which will accrue to each owner or holder thereof, and shall make a computation of the costs of making the aforesaid bridge, including the damages aforesaid to the owners or holders of the Computa-
tion of costs. lands or tenements mentioned aforesaid, in each of the said counties of Kent and Sussex, setting down the several items of said costs, and if it is determined by the aforesaid commissioners, or a majority of them, that the improvements are necessary, and if further improvements in the aforesaid road as contemplated, are necessary and proper, they shall set forth among their proceedings a description of the said road, street, Description
of road,
street and
bridge. and bridge, and their determination that there is need of the same for public convenience, and shall annex to their returns the aforesaid maps, to wit: One map to each return, on which shall be shown the part of said road or street lying in each of the said counties.

SECTION 2. *And be it further enacted,* That the maps and returns so to be made, as aforesaid, by the said Commissioners, or a majority of them, shall be returned, one to the Clerk of the Peace, of Kent County, and the other to the Clerk of the Peace, of Sussex County, to be by them laid before the Levy Court of said counties respectively; and it shall be the duty of such Levy Courts to approve, confirm and establish so much of said road as shall lie within their respective counties as public road, and shall settle such damages as may have been assessed by the aforesaid commissioners, and shall make such other allowances to the hereinafter mentioned overseers for making and constructing the aforesaid bridge, as are appointed to make the aforesaid bridge and complete the same Maps and
returns to
be delivered
to the clerks
of the Peace
of Kent and
Sussex.
Duty of
Levy Court.

so soon as the aforesaid commissioners shall certify to the said Levy Courts of the respective counties the necessary amount of money to make and complete the aforesaid bridge.

W. A. Scribner and Stephen M. Collins appointed to superintend construction.

SECTION 3. *And be it further enacted,* That William A. Scribner, of Sussex County, and Stephen M. Collins, of Kent County, be, and they are hereby appointed to superintend the making and completing the aforesaid bridge, and also the superintending the improvements of the side walks on the east side of the aforesaid road or street in the respective counties within the aforesaid limits, to wit: Commencing in the centre of the street opposite the building now occupied by William D. Fowler; thence southwardly across Mispillion Creek to Front Street in South Milford; and, when the aforesaid overseers shall have completed the bridge as aforesaid,

Overseers to notify owners of property on the street of the completion of the bridge

it shall be the duty of the aforesaid overseers to notify the owners or holders of the lands and tenements lying on the east of the aforesaid street or road within the aforesaid limits, and the aforesaid owners or holders of the lands and tenements lying upon the east side of the aforesaid road or street shall be compelled, so soon as the aforesaid notice is served

Owners to pave and curb side walks.

upon them, to curb with stone and pave with brick the side walks of the east side of the aforesaid road or street, of such width as shall be determined by the aforesaid overseers, within the aforesaid limits, commencing on Water Street in North Milford, and running southwardly to the aforesaid bridge, and from the aforesaid bridge to Front street in South Milford, and if the aforesaid owners or possessors shall refuse or neglect

In case of neglect the overseers may have the work done.

Owners to pay the expenses with an additional allowance

to curb and pave as aforesaid, for the space of ten days from such notice, then it shall and may be lawful for the aforesaid overseers to cause the aforesaid side walks to be curbed and paved as aforesaid, and present the costs of the same for settlement to the owners or possessors of the aforesaid lands and tenements, with additional charge one dollar for each and

Suit for.

Commissioners of N. and S. Milford to have charge to keep in repair.

Owners refusing.

every day that they may be superintending the aforesaid curbing and paving, and if the aforesaid owners or holders shall refuse or neglect to pay the same on presentation of the respective costs, it shall and may be lawful for the aforesaid overseers to sue for the same, and collect in such manner as is provided for the collection of other debts, and when the aforesaid pavements are made, it shall be the duties of the commissioners of North and South Milford respectively, to see that the same is kept in good order; and if any owner or possessor, as aforesaid, shall neglect to keep the same in good repair, it shall be the duty of the respective Commissioners of Town of North and South Milford, to repair the same, and present the bill for the payment to the owners or holders of

the lands and tenements on the east side of the aforesaid street or road, for repairs of pavements made opposite their respective lands and tenements on the aforesaid east side of the aforesaid road or street, and if the aforesaid owners shall refuse or neglect to pay the aforesaid Town Commissioners, it shall be the duty for the aforesaid Town Commissioners to sue and collect the same as other debts are collected.

Commissioners to have work done.

Suit for expenses.

SECTION 4. *And be it further enacted,* That the aforesaid William Tharp, Curtis S. Watson, G. H. Wright, William V. Coulter and Daniel Curry, and the surveyor employed by them, shall, before performing the duties herein assigned them, be sworn or affirmed to perform the duties incumbent upon them under this act, faithfully and impartially, according to the best of their skill and judgment respectively; and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Commissioners and surveyor to be sworn.

Compensation.

SECTION 5. *And be it further enacted,* That the aforesaid overseers shall receive for their services one dollar each per day, for every day they shall be employed in superintending the construction of the aforesaid bridge, to be paid as other overseers of public roads, and they shall present their vouchers for the making and completing the aforesaid bridge to the Levy Courts of the respective counties for settlement.

Overseer's compensation.

Vouchers to be presented to Levy Courts.

SECTION 6. *And be it further enacted,* That all laws and parts of laws inconsistent with this act, are hereby repealed, and this shall be deemed and taken to be a public act.

Passed at Dover, March 11, 1863.

CHAPTER 288.

A further Supplement to the act entitled "An Act to enable the owners of the Marshes, Cripple and low grounds, situate upon and contiguous to Jamison's Branch, in Little Creek and Duck Creek Hundreds, to drain and improve the same." vol. 852.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That the company created by the act to which this is a supplement, called "The Jamison's Branch Company,"

Authorized to extend their ditch. Lands through which extended to be considered within the limits of company. Not to be taxed until ditch commenced.

shall have power, and authority is hereby given them, to extend their ditch through lands now of James M. Short, formerly of the Lewis heirs, which lands lie, or are supposed to lie in Dover Hundred; and hereafter the said lands shall be considered and treated as within the bounds of said company; provided, however, that until the extension of the ditch of said company shall have been commenced, the said lands shall not be subject to taxation.

Commissioners appointed to make appraisements upon which to assess taxes.

SECTION 2. That Henry Pratt, William Virden and William Slaughter be, and they are hereby appointed commissioners to go upon and view the lands above mentioned, and make an appraisement thereof, having regard to the amount of benefit to be received by the owner thereof, which said appraisement shall be the valuation upon which the taxes with which said land shall be chargeable, shall be assessed and levied; the said commissioners shall also lay out the ditch or ditches proper and necessary to be cut by said company through said lands, and they shall, upon the performance of the above duties, make a certificate under their hands, or the hands of a majority of them, containing the name of the owner of the said lands so appraised by them, the appraisement or valuation made, and a description of the ditch or ditches (in extension of the present company ditch), which they shall direct to be cut, and they shall return the said certificate to the Recorder for Kent County, to be recorded and delivered when recorded to the managers of the Company, for the time being, to be kept among the papers of said company.

To lay out ditches.

To make certificate and return to the recorder of deeds.

When recorded, to be delivered to the Managers.

Certificate to be final, and the record or certified copy to be evidence. Commissioners to certify to Managers the probable cost of extended ditch. Vacancies in commissions.

The said certificate shall be final and conclusive, and the record of the same, or a duly certified copy thereof shall be competent evidence. And, further, the said commissioners shall estimate the probable expense of cutting and completing the extended ditch, and certify, under their hands, or the hands of a majority of them, the said estimate, and deliver the same to the managers for the time being.

SECTION 3. Vacancies in the number of commissioners for any of the causes mentioned in the second section of the act to which this is a supplement, shall be filled as provided by said section, and the acts of a majority of the commissioners shall be as valid as if all had agreed; but all must act.

Commissioners to be sworn.

SECTION 4. Each of the commissioners shall be qualified, as provided by the 9th section of the aforesaid original act, and his compensation shall be as is therein provided.

SECTION 5. The aforesaid company shall bear all the expenses of procuring this act and carrying it into effect, and said expenses shall be paid by orders on the Treasurer thereof. This act is passed with the concurrence of two-thirds of each branch of the General Assembly.

Company to defray expenses of procuring and carrying this Act into effect.

Passed at Dover, March 11, 1863.

CHAPTER 289.

An Act to extend the time for making appeals from the assessment of real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That section 15 of Chapter 8 of the Revised Statutes of the State of Delaware, be, and the same is hereby amended by striking out all of said section after the word "March," in the first line, and insert in lieu thereof the following: "but any alterations in the assessment list may be made by the Levy Court, on appeal at the regular March term of said Court, for two years after the first term of appeals from the assessment."

Rev. Code 18

Alterations in Assessment lists may be made at March Term for two years after first Term of Appeals.

SECTION 2. *And be it further enacted,* That the provisions of this Act shall apply as well to the last General Assessment made in this State, as to such as shall be made hereafter.

Applicable to last Gen. Assessment

Passed at Dover, March 11, 1863.

CHAPTER 290.

An Act to authorize the construction of a branch Rail Road to the Brandywine Mills.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That A. E. Jessup, Joseph Tatnall, William Lea, Christian Febiger, William Thatcher, William C. Lodge, E. T. Bellah, John P. Allmond, and Phillip McDowell, be and are hereby appointed Commissioners to receive subscriptions to the Capital Stock of the Company, incorporated by this Act, and for that pur-

Commissioners appointed to receive subscriptions.

Notice of
opening
books.

pose to open a book or books, at such times and places, and under such regulations as they, or a majority of them shall deem proper; reasonable public notice being given thereof, in one or more newspapers published in the city of Wilmington.

Company
incorpor-
ated.

Name.

Failure to
hold any
meeting pre-
scribed, or
to elect a
President
and Direc-
tors, or to
do any spe-
cified thing
on a parti-
cular day,
not to work
dissolution.

SECTION 2. *And be it enacted*, That the subscribers to said Stock, executors, administrators and assigns, shall be, and they are hereby created and declared to be a corporation and body politic, by the name and title of "The Farmers' and Millers' Rail Road Company of Brandywine Hundred," and by that name shall have continuance, may make and have a common seal, alter and renew the same, shall be able to sue and be sued, implead and be impleaded, in Courts of record and elsewhere, and to purchase, have, hold, possess and enjoy to them, their successors, and assigns, lands, tenements, hereditaments, goods, chattels, and effects of any kind, nature and quality, which may be necessary or convenient for effecting the purposes for which said Company is incorporated, and for carrying on the business of said company; and the same from time to time to sell, grant, demise, alien or dispose of at pleasure; to make by-laws, ordinances and regulations, not contrary to the Constitution and Laws of this State, or of the United States. And this Corporation shall not be dissolved through a failure of the Stockholders to hold any meeting, prescribed by this Act, or to elect a President and Directors as directed by this Act, or by the By-Laws, or through a failure of the President and Directors, or a majority of them, to do any act or thing, on any particular day or time, or to fill vacancies in their own Board.

Capital
Stock not to
exceed
\$20,000.

SECTION 3. *And be it enacted*, That the Capital Stock of said Company shall not exceed Twenty Thousand Dollars, divided into four hundred shares, of fifty dollars each.

Shares to be
personal
property and assign-
able.

SECTION 4. *And be it enacted*, That the shares of the Capital Stock of this Company shall be personal property, and be assignable in such manner as the By-Laws may prescribe.

When such
part of Capital
Stock as
Commissioners
shall deem suffi-
cient has
been sub-
scribed,
Meeting to
be called.

Notice.

SECTION 5. *And be it enacted*, That when the whole of the Capital Stock of this Company, or such part of it as may be deemed sufficient by a majority of the Commissioners, shall have been subscribed, then the said Commissioners, or a majority of them, shall call a meeting of the Subscribers to the said Capital Stock, to be held at such time and place as the said Commissioners, or a majority of them shall designate, after giving at least ten days notice in one or more news-

papers published in the City of Wilmington. And the Subscribers who shall assemble in such meeting, and the proxies of such as shall be absent, shall elect five Directors by ballot, and plurality of votes given, and the Directors so chosen, who must be Stockholders, shall continue in office until the first annual meeting of the Stockholders, and until their successors shall have been duly chosen. The Commissioners, or any two of them to act as Judges of the election aforesaid.

First election of Directors.

Five Directors.

Continuance in office.

SECTION 6. *And be it enacted*, That there shall be an Annual Meeting of the Stockholders, on the first Monday in February, of each and every year, for the purpose of electing five Directors, who shall be Stockholders, and of transacting such other business as may be brought before them.

Annual meetings.

Occasional meetings of the Stockholders may also be called by the Directors. Each Stockholder shall be entitled to one vote for every share of stock, he or she may hold.

Occasional meetings.

Voting.

Absent Stockholders may vote by proxy. Elections of Directors shall be determined by a plurality of votes; on all other questions a majority of votes shall be necessary. In all meetings of Stockholders regularly held, those assembled may proceed to business. Of the Board of Directors, any three shall constitute a quorum. The Directors shall choose one of their own number to be President of the Board.

Proxy.

Elections determined by plurality — other questions by majority. Quorum.

President.

SECTION 7. *And be it enacted*, That the Farmers' and Millers' Railroad Company aforesaid, be, and it is hereby authorized to locate, construct and operate by steam-power, or otherwise, a Railroad of one or more tracks, leading from a point or points between Brandywine and Shelplot Creeks, on the track of the Philadelphia, Wilmington and Baltimore Railroad, by the most advantageous route to the Philadelphia Turnpike so called, near the mills of Tatnall and Lea, in Brandywine Village, and thence across said Turnpike and along the north-east side of the valley of Brandywine Creek, to some convenient point at or near the lower paper mill of Jessup and Moore, formerly known as Jones' Snuff Mill; also to locate and construct in like manner a track to be operated by horse-power only, across the County bridge connecting the City of Wilmington with Brandywine Village, and in the adjacent streets and highways, so as to accommodate the business of the mills on the Wilmington side of the creek: Provided, that the consent of the Levy Court Commissioners of New Castle county, to lay such last mentioned track shall first be obtained. The connection of the road hereby authorized with the Philadelphia, Wilmington and Baltimore Railroad, to be made with

Special powers.

To construct and operate a railroad from a joint on P. W. & B. Railroad, between Brandywine and Shelplot Creeks to the Philadelphia Turnpike, near mills of Tatnall & Lea, and then to some point near the lower mills of Jessup & Moore. To construct rail road for horse power across Brandywine bridge and in the adjacent streets and highways.

Proviso.

That the consent of Levy Court shall first be obtained.

Connection with P. W. & B. Railroad, to be with consent.

Road to be constructed with least damage to private property.

When necessary to cross public road to constitute no hindrance.

When crossing individual land-owners to provide wagon-ways.

the consent of the President and Directors thereof, and nothing in this Act contained to authorize any interruption of or interference with the business of the road last mentioned by the building or operation of the Farmers' and Millers' Railroad.

SECTION 8. *And be it enacted*, That the said Farmers' and Millers' Railroad shall be so located and constructed as to do the least damage to private property, having due regard to the public convenience, the interest of the stockholders, and to the situation and nature of the ground and of the buildings thereon, and when it shall be necessary in the construction of said railroad to cross or intersect any established road or way, it shall be the duty of the Directors of said company, so to construct said railroad across such road or way as not to impede the transportation of persons and property along the same. And when the said railroad shall divide the lands of any individual, it shall be the duty of the Directors to provide for such individual proper wagon ways across said such railroad.

Powers of Directors.

May do all acts necessary to carry out the purpose of this Act.

May contract with P. W. & B. R. R. Co. for construction and operation.

In case of such contract, said Branch road to be merged in and form part of P. W. & B. R. R. Company.

SECTION 9. *And be it enacted*, That the Directors of the company hereby incorporated, shall have authority to do all acts that are necessary to effect the purpose for which the company is established, and to this end to use the capital stock and funds of said company, and to make contracts under the seal of said company and hand of its President, which shall bind all its property and estate of whatever kind, to make all appointments of officers and employees, fix their compensation, purchase real estate, materials and rolling stock of whatever kind, for the construction and equipment, operation and maintenance of their road, as hereinbefore described, and they may make any contract with the Philadelphia, Wilmington and Baltimore Railroad company, for such construction or equipment, maintenance and operation that may be agreed upon by the President and Directors of both companies. In case of such contract for construction and use, said Branch road shall be merged into and become part of said Philadelphia, Wilmington and Baltimore Railroad company.

No person to travel on or use the road without consent.

It shall not be lawful for any person or persons to travel upon, or use any portion of the Farmers' and Millers' Railroad, without the consent of the Directors thereof, or those having charge thereof, under any appointment or contract made by said Directors.

Directors may fix rates of toll but not required to

The Directors, or such other parties as they may authorize, shall have power to fix rates of toll for passengers or freight transportation over their road; but they are not required to

provide transportation for passengers, nor are they required to transport freight at regular times, or otherwise than as may be agreed in each separate case, unless they shall deem it for the interest of the Stockholders to do so.

SECTION 10. *And be it enacted,* That in case such land as may be necessary for the location and use of said Railroad cannot be obtained by purchase, the Company may apply by petition to the Superior Court, or to any Judge thereof, residing in New Castle county, in vacation, first giving the other party five days notice in writing, of such application, if within the State. And the said court or Judge, shall appoint five judicious and impartial freeholders to view the premises, which said company may require as aforesaid, and to assess the damages, if any, which the owner or owners thereof will sustain, by reason of said railroad passing through the same, over and above the benefit, if any, which will accrue to such owner or owners, by the construction of said railroad.

Condemnation of lands

Notice to owners of application.

Court to appoint five freeholders.

Assessment of damages.

The said five freeholders shall be sworn before some Judge, Justice of the Peace, or Notary Public, faithfully and impartially to perform the duty assigned them. They shall give ten days written notice to the owner or owners of the property, if he or they be within the State, and to the President of the company, of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railroad, and they shall make report in writing, under their hands or the hands of a majority of them, to the Term of the Superior Court, in New Castle County, next after their appointment, and the said court may either confirm the said report, or appoint five other judicious and impartial freeholders to perform said duty in manner aforesaid.

Freeholders to be sworn.

Notice of meeting on the land.

Report to the next Term of Superior Court

Court may confirm or appoint other freeholders.

Upon payment of damages the title of the lands vested in the Company.

When judgment of confirmation is rendered by said Court, or any report made as aforesaid, then upon the payment by said railroad company, of the amount of damages assessed to the owner or owners of said property, or into court for their use, the title to the land and premises mentioned and described in said report, shall be absolutely vested in said Company, their successors and assigns. The fees to the referees and Prothonotary on any such proceedings, shall be determined by the said court, and be paid by the said company.

Fees of referees and Prothonotary to be determined by the Court and paid by company.

SECTION 11. *And be it enacted,* That the subscribers to the capital stock of said company, shall respectively pay to the commissioners an instalment of five dollars per share at the time of subscribing, to be handed over by said Commissioners to the Treasurer, when one shall have been appointed by the

Five dollars to be paid on each share, at the time of subscribing

Residue in such instalments as President and Directors shall determine. Notice of calls.

On failure to pay for 20 days, may be sued for, or forfeited.

Delinquent stockholders not entitled to vote or receive dividends. Forfeited shares for the use of company.

directors. The remainder of the amount subscribed for, to be paid over at such times and in such instalments as the President and Directors may determine, who shall give the stockholders at least ten days notice of the time of payment and amount of such instalments, by circulars addressed to each stockholder.

And if any instalment shall not be paid within twenty days after the time appointed for the payment thereof, the President and Directors may, in the name of the corporation, sue for and recover the sums so due, or may forfeit the share or shares on which they are due, and no stockholder neglecting or refusing to pay any such over-due instalment, shall be entitled to vote at any meeting of the corporation, or to demand or receive any dividend during such neglect or refusal.

Forfeited shares may be held or disposed of for the benefit of the corporation.

Dividends.

SECTION 12. *And be it enacted*, That in case the receipts of the road shall exceed the amount necessary to provide for its operation and maintenance, such excess, or any part thereof, shall from time to time be divided among the stockholders, as the President and Directors may deem advisable, in which case public notice shall be given by said President and Directors of such dividend.

In case sufficient stock not subscribed within three months, the P. W. & B. R. R. Co., authorized to construct

This charter merged into and form a part of the charter of that company.

SECTION 13. *And be it enacted*, That in case the requisite amount of stock is not subscribed within three months from the passage of this act, by individuals or corporations, then the Philadelphia Wilmington and Baltimore Railroad Company, is hereby authorized to locate and build the whole, or any portion of said branch or branches, and for that purpose all the rights and privileges conferred by this charter shall devolve upon said Philadelphia, Wilmington and Baltimore Railroad Company, and this charter shall be merged into and become a part of the charter of said Philadelphia, Wilmington and Baltimore Railroad Company, and shall be managed by the president and directors without any separate organization.

SECTION 14. *And be it further enacted*, That the Legislature hereby reserves the power of revocation.

Passed at Dover, March 11, 1863.

CHAPTER 291.

An Act authorizing William Huffington Cannon to open a new Public Road in Sussex County, at his own expense.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Warren Kinder, Hugh Brown, Joseph C. Allen, Hawlsey H. Masten, and Matthew G. Davis, be, and they are hereby appointed commissioners; and they, or a majority of them, authorized and directed to go upon and view the premises, and lay out a new public road in Northwest Fork Hundred, in Sussex County, beginning at a point on the public road leading from Seaford to Bridgeville, near the south end of William Huffington Cannon's mill-dam; and from thence to run on the north side of what is usually known as the "Ross Farm," belonging to said William Huffington Cannon, and across the lands of Robert A. Houston and lands of Isaac Cannon to the public road leading from Seaford over Little's branch, near to a lot of land in the possession of Winney Cannon (n); and thence with said public road about one-half mile to the southeast corner of Levi Cannon's land, and across the lands of said Levi Cannon and lands of Jesse Brown and lands of Mrs. Kitty Cannon, till it intersects the public road leading from Seaford to Bethel Methodist Episcopal Church at the north corner of her field; and the commissioners or a majority of them are hereby authorized and required to assess the damages, if any, and to cause the road, as laid out, to be surveyed, and a map of the courses and distances thereof to be made and returned to the office of the Clerk of the Peace in and for Sussex County.*

Commissioners appointed, to lay out a road in N. W. Fork Hundred.

Course of road.

Assessment of damages.

Map and return.

Commissioners and surveyor to be sworn.

Fee.

Before entering upon their duties the commissioners and surveyor shall be severally sworn or affirmed to perform their duties with fidelity. The fee of the commissioners shall be one dollar each for each day's attendance, and the fee of the surveyor two dollars for each day's attendance.

SECTION 2. *Be it further enacted by the authority aforesaid, That after the commissioners aforesaid, shall have laid out the said public road, it shall and may be lawful for William Huffington Cannon to open the said road for public travel, and for that purpose to make all necessary causeways and bridges, and cut and remove any wood or timber standing in said road, and remove all other obstructions therefrom at his own expense, and without cost and charges to Sussex County; and, when so*

Road to be opened at the expense of W. H. Cannon.

When opened to be a public road of Sussex County. opened for public travel, the said road shall be deemed and taken to be a public road, and the Levy Court of said County may appoint an overseer therefor, and make appropriation for keeping the said road open and in repair, in the same manner as other public roads in Sussex County.

The old road to be vacated.

SECTION 3. *Be it further enacted by the authority aforesaid,* That after the said road shall have been opened to public travel, it shall and may be lawful for William Huffington Cannon to vacate, close and stop up the old private or neighborhood road now running through his lands, and to enclose the same, and in any prosecutions or other proceedings against him for so doing, he may give this act in evidence as his sufficient justification.

SECTION 4. *Be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

Passed at Dover, March 11, 1863.

CHAPTER 292.

An Act, to authorize David H. Hudson to change and straighten a Public Road in Broad Creek Hundred, Sussex County, Delaware.

D. H. Hudson authorized to change and straighten a public road in Broad Creek Hundred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That David H. Hudson be, and he is hereby authorized and empowered to change and straighten a portion of the public road leading from the Thompson Branch Bridges to a public road that leads from Little Hill Church to Terrapin Hill Mill, in said Hundred, the change to commence near the above-named bridges, on the lands of the said David H. Hudson, and continue on the same about a northeast course, until it intersects the above-named road, from Little Hill Church to Terrapin Hill Mill; the width of the road, when changed, to be the same as the road now is.

Course of new road.

The change to be made at his expense.

When completed and accepted by Levy Court, to be a public road.

SECTION 2. *Be it further enacted by the authority aforesaid,* That the road so changed and put good order* for public travel at the expense of the said Daniel H. Hudson, shall be a public road, and that the old road shall be vacated when the new road shall be accepted by the Levy Court of Sussex County.

Passed at Dover, March 11, 1863.

* So in original.

CHAPTER 293.

An Act to repeal an Act entitled "An Act in relation to public roads and highways in St. George's and Appoquinimink Hundreds, in New Castle County," passed at Dover, February 21, 1859, and for other purposes. ^{11 vol. 689.}

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware in General Assembly,* That the Act entitled "An Act in relation to public roads and highways in St. George's and Appoquinimink Hundreds, in New Castle County, passed at Dover, February 21, 1859, and the supplement to said Act, passed at Dover, March the 7th, 1861, be and the same are hereby repealed, so far as they relate to or apply to St. George's and Appoquinimink Hundreds, in New Castle County, and all the laws and parts of laws of this State, repealed by the Acts aforesaid, are hereby revived and continued in force, and shall apply to the Hundreds aforesaid. ^{Act repealed, so far as it applies to St. Georges and Appoquinimink. Former laws revised.}

SECTION 2. *Be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act. ^{Public Act.}

Passed at Dover, March 12, 1863.

CHAPTER 294.

An Act to alter and amend the Act entitled "An Act in relation to the town of Dover," passed at Dover, February 28th, 1861. ^{12 vol. 89.}

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 2 of "An Act in relation to the town of Dover," passed Feb. 28th, 1861, be and the same is hereby altered and amended, by striking out the first sentence in said Section, viz: from the word "The," in the first line to the word "Committee," in the third line inclusive, and inserting in lieu thereof, the following, viz: "The Town Commissioners, at the meeting next after their election as hereinafter provided, or as soon thereafter as convenient, shall proceed to elect one of the Justices of the Peace, resident in said town to be Alderman of said town, and *ex-officio*, a Town Commissioner ^{Section 2, amended. Alderman to be elected by Town Commissioners.}

and President of the Town Committee, to serve as such for one year, or until his successor is duly elected, but he shall have no right to vote at the election of said Alderman.

Section 9,
amended.

SECTION 2. Section 9 of said Act is hereby amended by striking out, at the end of the twenty-third line in said Section and beginning of the twenty-fourth line, the words, "three months," and inserting in lieu thereof, the words "ten days."

Passed at Dover, March 12, 1863.

CHAPTER 295.

An Act to amend Chapter 108 entitled "An Act regulating the sale of Intoxicating Liquors, &c.," as amended, (Passed at Dover, March 3, 1857—amended March 6, 1861.)

11 vol. 495.
12 vol. 168.

Chapter 108
Sec. 12
vol. 12
amended.

No liquors
to be sold or
distributed
at any con-
cert saloon,
&c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the above mentioned Chapter 108, Section 12, be amended by adding to said Section the following, viz: "Nor shall it confer power or authority to any person to sell or distribute intoxicating or fermented liquors of any kind, at any concert saloon, play or rehearsal, exhibition or place of amusement."

Sec. 13
amended.

SECTION 2. *And be it further enacted,* That Section 13 of said Act be amended, by adding between the words "Sunday", in the 2nd line, and "such" in the 3d line, the following: "or if any person shall sell or distribute intoxicating or fermented liquors at any concert saloon, play or rehearsal, exhibition or place of amusement."

Repeal.

SECTION 3. *And be it further enacted,* That all acts and parts of acts inconsistent with this Act are hereby repealed.

Sec. of State
to publish.

SECTION 4. *And be it further enacted,* That the Secretary of State shall cause this Act to be published in the Delaware Gazette: and Delaware State Journal, newspapers published in the City of Wilmington, for the space of one month from its passage, and shall certify to the Governor the publication of the same. and the sums due therefor, stating all items of charge by each of the newspapers; and the Governor shall on the re-

ceipt of such certificate, draw orders on the State Treasurer for the payment of said publication, and the State Treasurer shall pay the same out of any monies in the Treasury not otherwise appropriated.

Passed at Dover, March 12, 1863.

CHAPTER 296.

A further additional Act in relation to Free Schools.

Whereas, in Section four of the "Act in relation to free schools," giving the power to divide school districts to the Levy Courts of the several Counties of this State, it is provided that "no additional school district shall be laid out unless there shall be contained within its bounds when laid out, thirty-five scholars over the age of five years old," but makes no provision for the protection of the district or districts out of which said additional district may have been laid out, by requiring any particular number to be left in the original district or districts, thus leaving said original district or districts liable to have their school or schools ruined by reducing their number of scholars so low that their taxes must become oppressive to support a school or schools in the same for a full year, otherwise they can have a school or schools only for a part of a year annually in said original district or districts, in either case doing them a great wrong. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from and after the passage of this Act, no additional school district shall be laid out in either of the counties of this State, unless it shall be made satisfactorily to appear that there will be left remaining in the original school district, or if more than one, the original districts, out of which it is proposed to be laid out, at least thirty-five scholars over the age of five years, and also a like number in the said additional school district proposed to be laid out.

SECTION 2. *And be it further enacted as aforesaid,* That the several School Committees annually elected shall, on oath or affirmation, revise and adjust the assessments of rental values in their

Preamble.

11 vol. 505.

No additional School District to be laid out unless there will be 35 scholars remaining in original District, and also unless there is 35 in District to be laid out

School Committees to revise assessment of

Rental
values
annually.

respective districts, so as to make them bear a due proportion to each other, having respect to their productiveness to their several owners.

When ad-
justed, non-
residents to
be notified.

SECTION 3. *And be it further enacted as aforesaid,* That as soon as said assessments have been so adjusted, it shall be the duty of the clerks of the several districts to direct a letter to the address of each non resident whose rental valuation has been assessed in any district, stating the amount of his, her rental valuation in any of said districts, and the day and hour when the school committee will sit as a Court of Appeal to hear any objections that may be made to said assessment.

SECTION 4. *And be it further enacted as aforesaid,* That all acts or parts of acts now in force contrary to the provisions of this act, be, and the same are hereby repealed.

• *Passed at Dover, March 13, 1863.*

CHAPTER 297.

An Act to incorporate "The Trustees of the Home for Friendless and Destitute Children," in the City of Wilmington.

Preamble.

Whereas, by private munificence, an institution has been founded in the City of Wilmington, for the laudable and benevolent purpose of educating and providing for friendless and destitute children: and whereas, the General Assembly of the State of Delaware, desire to encourage such purposes, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring.)

Incorporation.

Name.

SECTION 1. That J. Taylor Gause, Merrit Canby, William Aikman, Charles B. Lora, Charles Warner, Daniel M. Bates, Samuel Harlan, Jr., Mahlon Betts, James S. Dickerson, William Tatnall, and George W. Bush, and their associates be, and they are hereby incorporated and made a body politic in law; by the name and style of "The Trustees of the Home for Friendless and Destitute Children," in the City of Wil-

Wilmington, and by the same name they shall have succession for twenty years, and shall be capable in law to sue and be sued, plead and be impleaded in all Courts of record and elsewhere, and shall have power and authority to make and use a common seal, and to alter and change the same at their pleasure, and shall be competent and capable in law and equity to take and to hold to them and their successors, for the use of said corporation, lands, tenements, hereditaments, goods, chattels, rights, interests and effects of any kind, nature or quality whatsoever, by gift, grant, bargain, sale, conveyance, assurance, will, testament, devise or bequest, from any person or persons capable of making the same, and the same from time to time to grant, bargain, sell, demise, alien, lease, and dispose of for the use of the said corporation, and they shall have power to purchase or erect such building or buildings as may be necessary for the purposes of said institution, and power also to do all and singular the things necessary, proper and lawful to be done for the well-being of the said institution and the due management and well ordering of the affairs thereof: ^{Powers.} Provided, That the clear yearly income of the lands and tenements, ^{Limitation of income of lands and tenements.} to be taken and holden as aforesaid, shall not exceed the sum of ten thousand dollars.

SECTION 2. The Trustees shall hereafter be elected by such persons, in such manner, at such times and places, and for such term or terms as shall be prescribed in the By-Laws of the Institution. ^{Election of Trustees.} The Board of Trustees appointed under the present act, shall hold their first meeting on the first Tuesday of April next, in the City of Wilmington, at such place, and hour as they or a majority of them shall designate, and they or their successors shall meet annually thereafter at such times and places as they by their By-Laws shall appoint. ^{Annual Meeting.} Any vacancy occurring in the Board of Trustees from death, resignation or otherwise, in the interval between regular elections, may be filled by the then existing Board, and the person or persons so made Trustees, shall hold office until the next regular election thereafter. ^{Vacancies.}

SECTION 3. That the said Trustees and their successors shall have power also to meet from time to time, whenever and so often as the interests of the said institution may require in such manner and according to such regulations as they by their by-laws may direct, and they shall have power at any meeting convened as aforesaid, to appoint a President, Treasurer, Secretary, a Board of Lady Managers, and such teachers, visitors and care-takers as the convenient management of the affairs of the said corporation may require, or as may be neces- ^{Occasional Meetings.}

sary and proper for the instruction, control and care of the children received into the said institution, and to do all such other business as the proper management of the funds and the general interests and concerns of said corporation may require.

Trustees to take children under their guardianship.

SECTION 4. That it shall and may be lawful for the said Trustees in their discretion, to take under their guardianship all children who may be placed under their care and management in either of the following modes :

When surrendered by parents or guardians.

First. Children under fourteen years of age, who shall be voluntarily surrendered by their fathers, or, in case of their death or absence, by their mothers or by their guardians to the care of the said Trustees.

Committed by any Judge in N. C. County, or Mayor of Wilmington

Second. Children under fourteen years of age, who shall be committed to the care of the said Trustees by any Judge of any Court of the State of Delaware, residing in New Castle County, or by the Mayor of the City of Wilmington, on account of vagrancy, or the exposure, neglect or abandonment of said children by their parent or parents, guardian or other person having custody of said children ; and it shall* the duty of any Judge or Mayor so committing any child to the care of said Trustees, to annex to said commitment, an abstract of the evidence taken by him in which his adjudication was founded, which said evidence shall be under oath or affirmation and taken in the presence of said child.

Duty of Judge or Mayor.

Duty of Trustees.

To instruct the children May bind as apprentices.

SECTION 5. That the said Trustees shall have the guardianship of said children so placed under their care and management during their minority, shall cause them to be educated and instructed in a proper manner, and may, when in their discretion it shall appear proper, bind the said children with their consent, as apprentices during their minority, to such persons and at such places, and to learn such trades and employments as in the judgment of said Trustees will be most conducive to the benefit and advantage of said children : Provided, the power and charge of said Trustees over and upon the said children shall not extend in the case of males beyond the age of twenty-one years, and in the case of females beyond the age of eighteen years, but the said Trustees may in their discretion return the said children to their parents or surviving parent or guardian.

Charge to cease.

When.

SECTION 6. That no misnomer of the said Corporation shall defeat or annul any gift, grant, devise or bequest to the said Corporation : Provided, it shall sufficiently appear by the will,

*So in original.

gift, grant, or other writing, that the party making the same ^{Minomer} intended to give or pass thereby to the said Corporation, the ^{not to de-} feat grant. interest or estate therein expressed or described.

SECTION 7. The power of revoking or repealing this act, is ^{Power to} hereby expressly reserved to the Legislature. ^{revoke.}

Passed at Dover, March 18, 1863.

CHAPTER. 298.

A Supplement to the Act entitled "An Act for the benefit of the owners of lands on Wright's Marsh, in Kent County." ^{11 vol. 115}

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly, (two-thirds of each branch of the Legislature concurring.)

SECTION 1. That the Company created by the act to which this is a supplement, called "The Wright's Marsh Ditch Company," shall have power and authority is hereby given them ^{Company authorized to extend their ditch.} to extend their ditch through lands of Isaac J. Short, up to the line of the lands of Mason Bailey, and hereafter the said lands and all other lands that will be benefitted by the extension ^{Lands benefitted by extension to be taxed when extension undertaken.} aforesaid, shall be considered and treated as within the bounds of said company: Provided, however, that until the extension of the Ditch of said Company shall have been undertaken, the said lands shall not, by reason of anything contained in this act be subject to taxation.

SECTION 2. That John Moore, James Johns, and William Slaughter, be, and. they are hereby appointed Commissioners ^{Commissioners appointed to appraise.} to go upon and view all the lands that in their judgment will be benefitted by the extension aforesaid, and having ascertained all the owners, make an appraisement thereof, having regard to the amount of benefit to be received by the said owners respectively, which said appraisement shall be the valuation upon which the taxes with which said lands shall be chargeable, shall be assessed and levied; the said Commissioners shall also lay out the ditch or ditches proper to the cut by said Company under this Act, and they shall, upon the performance of the above duties, make a certificate under their hands or the hands ^{Certificate.}

of a majority of them containing the names of the several owners of the said lands so appraised by them, the appraisement or valuation made and a description of the ditch or ditches (in extension of the present Company Ditch,) which they shall direct to be cut; and they shall return the said certificate to the Recorder for Kent County, to be recorded and delivered, when recorded, to the Managers of the Company for the time being, to be kept among the papers of the Company. The said certificate shall be final and conclusive, and the record of the same, or a duly certified copy thereof shall be competent evidence. And further, the said Commissioners shall estimate the probable expense of cutting and completing the extended ditch or ditches, and certify under their hands or the hands of a majority of them, the said estimate and deliver the same to the managers for the time being.

Return to
the Re-
corder.

Effect of
Certificate.

Estimate of
expense.

SECTION 3. If any of the aforesaid Commissioners shall die, resign, remove from Kent County, or refuse to act, before all the duties prescribed by this act shall have been performed, the said Company may at any of its meetings supply the vacancy or vacancies by the selection of another or other Commissioners as the case may be, and so from time to time, until all the duties of the said Commissioners under this act shall have been performed. The acts of a majority shall be as valid as if all agreed, but all must act.

Vacancies.

Acts of ma-
jority valid.

SECTION 4. Each of the Commissioners, before he enters upon the duties required of him by this act, shall be duly sworn or affirmed to discharge the said duties faithfully and impartially, according to the best of his skill and judgment. And for each day's service under this act, he shall be paid by said Company the sum of one dollar.

Commis-
sioners to
be sworn.

Compensa-
tion.

SECTION 5. The aforesaid Company shall bear all the expenses of procuring this act and carrying it into effect, and said expenses shall be paid by orders on the Treasurer thereof.

Expenses of
this Act.
How borne.

Passed at Dover, March 13, 1863.

CHAPTER 299.

An Act to amend Chapter 55 of the Revised Statutes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 55 of the Revised Statutes be, and the same is hereby amended, as follows, to wit: strike out Section 11, and insert in lieu thereof, "no person shall kill, take or destroy, in either of the Counties of this State, any partridge, pheasant, robin or rabbit, between the fifteenth day of February and the first day of November; nor any woodcock, between the first day of February and the first day of July, in any year, under penalty of forfeiting, for every one so killed, taken or destroyed, one dollar; and every person having such game in possession shall be deemed to have taken or killed it, unless he proves to the contrary: Provided, That this Section shall not prohibit any person from killing game in his own land at any time, and the Chapter as thus amended shall hereafter be so read and construed, any act to the contrary notwithstanding.

Amendment.
Sec. 11,
supplied.

When partridges, pheasants, robins, rabbits and woodcock may not be killed.

Penalty.

Possession prima facie evidence.

Proviso.

Passed at Dover, March 17, 1863.

CHAPTER 300.

An Act to incorporate "The Delaware Loan Association," in the City of Wilmington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* (two-thirds of each branch concurring therein,) That James Bradford, Thomas W. Robinson, Allen Smith, George A. Batterbury, Mahlon Childs, and Joshua Maris, and such other persons as now are or may hereafter be associated with them, shall be and they are hereby created a body politic, and corporate by the name, style and title of "The Delaware Loan Association," for the purpose of accumulating a fund from monthly contributions and fines, premiums on loans and interest on investments, for the benefit of its members; and they and their successors are hereby ordained and declared a body politic, and corporate in fact and in law, and by the title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in

Incorporation.

Name.

Object.

any courts of law or equity in this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands whatsoever, with all the legal incidents of a corporation aggregate; and the said corporation may have and use a common seal, and at their pleasure alter or renew the same and by the title aforesaid shall have continuance and succession for a term not exceeding twenty years from and after the passage of this act.

Officers. SECTION 2. *And be it further enacted,* That the affairs of the said corporation shall be conducted by a President, Vice-President, Secretary and Treasurer, and nine Managers, who shall constitute a Board of Directors, seven of whom shall be a quorum. The President, Vice-President, Secretary and Treasurer shall be elected annually. At the first regular meeting after the passage of this act, there shall be nine managers elected, who shall, within ten days thereafter, meet and divide themselves into three classes, and draw lots for one, two and three years, and at every annual meeting thereafter, three managers shall be elected to serve three years. The Board shall have power to fill all vacancies that may occur in their own body during the year.

Certain officers to be elected annually.

Managers, how chosen, their term.

Vacancies.

Powers. SECTION 3. *And be it further enacted,* That the said corporation shall by the name and title aforesaid, be able and capable of purchasing, receiving, having, holding and enjoying to them and their successors and assigns, lands, tenements, hereditaments, annuities, money, securities, goods and chattels of what nature or kind soever, real, personal and mixed: Provided, the same shall not exceed the sum or value of two hundred thousand dollars; and the same from time to time, at their pleasure, to sell, grant, demise, bargain, alien and dispose of; also to make such laws, rules, contracts and regulations, and the same to alter, amend or repeal, as they and their successors shall deem to be proper and expedient for the good government and conducting the affairs or business of said corporation, and generally to do all and singular the matters and things proper for the well being of said corporation; Provided, the same shall not be contrary to this act, the Constitution and laws of the United States, or of the State of Delaware, and that nothing herein contained shall confer upon said association or corporation any banking power or privileges whatever.

Limitation of property.

Not to exercise banking powers.

Public Act. Revocation. SECTION 4. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 17, 1863.

CHAPTER 301.

A Supplement to an Act entitled "An Act to incorporate a Bank in Newport, in New Castle County, under the name of the Real Estate Bank of Delaware." 11, vol. 709.

Be it enacted by the Senate and House of Representatives of the State of Delaware, (two-thirds of each branch thereof concurring,) That

SECTION 1. The Bank by said act incorporated shall have power and authority in every case where the sum or sums due upon the mortgages taken or held to secure the subscriptions to the Capital Stock of said Bank, have been or shall be lawfully reduced by payments made thereon, at the request and at the proper cost and charges of the mortgagors, to take new mortgages for such reduced amount and upon the receipt thereof, cancel and deliver up or cause to be satisfied, of record, the respective mortgages in lieu of which such new mortgages have been taken.

Authorized to take new mortgages when partial payments have been made.
Original mortgages to be satisfied.

SECTION 2. When there has been or shall be a transfer of stock, the said Bank shall have power and authority upon the agreement and at the request of the parties, to receive from the assignee a new mortgage to secure to the said Bank the amount then remaining due upon the shares of capital stock so transferred, as well as a new mortgage from the assignor for the amount or sum remaining due upon the shares of capital stock which he shall retain: and upon such receipt to cancel and deliver up or cause to be satisfied of record, the mortgage in lieu of which such new mortgage or mortgages shall be or have been taken.

In case of transfer of stock, authorized to take mortgages from the assignee and assignor for the amount due on their respective proportions. Satisfaction of original.

SECTION 3. That the said Bank shall have power and authority under such regulations as shall be prescribed by its directors, at the request of the parties in interest, in case the said Directors shall deem it advisable and not prejudicial to the interest or security of the Bank, to exchange or substitute wholly or in part, in lieu of any mortgage which may now or hereafter be held by them, a mortgage of and upon other lands and tenements from the same or other persons as mortgages.

Authority to substitute other mortgages in lieu of those held.

SECTION 4. It shall be the duty of the President and Directors of said Bank, and they are hereby authorized, empowered

All mortgages now held or hereafter taken to be recorded.

and required to cause all mortgages hereafter taken by them under this act or under the act to which this is a supplement, to be recorded in the office of the Recorder of Deeds for the county in which the mortgaged lands lie, within sixty days from the execution thereof, and any mortgage which they have heretofore taken and now hold unrecorded, to be so recorded within sixty days from the passage of this act.

Passed at Dover, March 17, 1863.

CHAPTER 302.

Del. Laws,
vol. 12, page
255.

A further Supplement to an Act entitled "An additional Supplement to an Act entitled "A further Supplement to an Act entitled "An Act to enable the owners and possessors of the several tracts of meadow marsh and cripple, on the Augustine Creek and Silver Run, in New Castle Coun'y, to make and keep the banks, dams and sluices in repair, and to raise a fund to defray the yearly expenses accruing thereon.

Commissioners appointed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John M. Woods, Samuel Carpenter, George Z. Tybout, Joshua B. Fenamore and John Appleton, be and they are hereby appointed Commissioners of the St. Augustine Marsh Company, in lieu of the present commissioners of said company, and the said commissioners hereby appointed, shall have all the authority and be subject to all the restrictions conferred or imposed upon the commissioners of said company by any law of this State.*

Sections 4 and 5 of chapter 281, 19th vol. 255, repealed.

Sections 1, 2, 3, declared in force.

SECTION 2. *Be it further enacted, That Sections 4 and 5 of the act entitled "An additional Supplement to an act entitled "A further Supplement to an act entitled "An Act to enable the owners and possessors of the several tracts of meadow, marsh and cripple on the Augustine Creek and Silver Run, in New Castle County, to make and keep the banks, dams, and sluices in repair, and to raise a fund to defray the yearly expenses accruing thereon," passed at Dover, February 7th, 1862, be and the same are hereby repealed, and Sections 1, 2 and 3 of said act are hereby revived and declared to be in force.*

Passed at Dover, March 17, 1863.

CHAPTER 303.

An additional Supplement to an Act in relation to Public Roads and Highways, in St. Georges and Appoquinimink Hundreds, in New Castle County. 11 vol. 699.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Road Commissioners in New Castle County, shall, in awarding sections of road to bidders or purchasers, who may purchase under the provisions of the act to which this is an additional supplement, shall require a bond with good and sufficient security, that he will faithfully perform his duty in putting the sections which he may have purchased or contracted for in such order as the aforesaid Road Commissioners had specified.

Road Commissioners shall require bond from purchasers of sections.

SECTION 2. If any Road Commissioners in any Hundred in New Castle County, where the roads are authorized to be disposed of shall neglect or refuse to sell or dispose of any section according to the provisions of said act, or shall neglect or refuse to perform any of the duties required by the original act or any supplement thereto, such commissioner so neglecting or refusing, shall forfeit and pay the sum of fifty dollars, to be recovered before any Justice of the Peace of said county, by any person who will sue for the same, and the said sum when recovered shall be paid to the collector of the Hundred for the maintenance of the roads therein.

Penalty imposed on Commissioners.
How recovered.
To what use applied.

SECTION 3. *And be it further enacted*, That so much of the act as 12 vol. 176. is added, as Section 11, by Chapter 111, passed March 7, 1861, be repealed.

Passed at Dover, March 18, 1863.

CHAPTER 304.

A further additional Supplement to the Act entitled "An Act for removing the seat of Justice from Lewes, to a more convenient part of Sussex County," and for other purposes.

Time of
choosing
Town Com-
missioners
in George-
town.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware in General Assembly met,* That the annual meeting of the free white male inhabitants of Georgetown, of the age of twenty-one years and upwards, for the purpose of choosing commissioners, shall hereafter be held on the third Saturday of March, which will be in the year of our Lord, one thousand eight hundred and sixty-three, and on the same day annually thereafter.

Town
limits.

SECTION 2. *And be it further enacted,* That the bounds and limits of the said town of Georgetown shall extend to the distance of one-half mile in every direction from the centre of the public square in said town.

Passed at Dover, March 18, 1863.

CHAPTER 305.

An Act in relation to free negroes and mulattoes.

No free ne-
gro can gain
a residence.

Resident
free negroes
voluntarily
leaving for
five days,
deemed
non-resi-
dents.

Exceptions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That no free negro or free mulatto can gain a legal residence, and any resident free negro or free mulatto who shall voluntarily leave the State for five days shall be deemed a non resident, unless such person be a mariner or waterman engaged in that occupation and on board of some vessel belonging to a citizen of this State, or be absent as a wagoner in the actual employment of a citizen of this State.

SECTION 2. *Be it further enacted by the authority aforesaid,* That no free negro or free mulatto shall hereafter come into this State, unless it, be temporarily as the servant of a non-resident

or as a seaman in connection with a vessel trading with or bound to some port of this State, or unless he or she come from the adjoining State of Maryland for trade or other necessary and temporary purpose, under penalty of fifty dollars.

It shall be the duty of any Justice of the Peace, upon information or knowledge that a non-resident free negro or free mulatto has come into this State contrary to the provisions of this Section, to issue a warrant to some constable for his or her arrest, and to cause him or her to be brought before the said Justice, who shall inquire into the matter, and if he shall determine that the party arrested has violated the provisions of this Section, he shall render judgment against him or her for the sum of fifty dollars and cost, one-half for the use of the informer and the other half for the use of the State, and he shall also order said negro or mulatto to give security to be approved of by the Justice in the sum of fifty dollars for his or her departure from the State within five days, and in default of payment of said fine and cost or of giving such security, he shall commit the defendant to prison, and the Sheriff of the County shall thereupon on due notice sell the said negro or mulatto to the highest bidder or bidders for such time as shall be necessary to pay said judgment and all charges.

SECTION 3. *Be it further enacted by the authority aforesaid,* That it shall be unlawful for free negroes and free mulattoes to assemble and hold camp-meetings or other out-door meetings, and every free negro or free mulatto attending any such meeting shall pay a fine to the State of ten dollars. It shall be the duty of any Justice of the Peace, before whom complaint shall be made, to cause the parties against whom complaint shall be made to be brought before him, and, if found guilty by the Justice, to impose the fine herein prescribed and cost, and on failure to pay the fine and cost or to give security therefor, to commit the party to prison for one month, and upon the expiration of the said time of imprisonment, if the said fine and cost shall not be paid, it shall be the duty of the Sheriff to sell the person for such term as shall be necessary to pay the fine and all cost and charges: Provided, That it shall not exceed seven years.

SECTION 4. *Be it further enacted by the authority aforesaid,* That if any negro or mulatto shall attend or be present at any political meeting or treat held in this State, he shall be fined ten dollars; and upon default of payment the party offending shall be committed to prison, and at the expiration of twenty days shall be sold by the Sheriff to pay the fine and all cost,

No free negro to come into the State.
Exceptions.

Justice to issue warrant upon information

Penalty.

Security to be given for departure.

In default, to be imprisoned and sold.

Unlawful to hold out-door meetings.

Penalty.

Justice of the Peace to have cognizance.

On failure to pay fine and cost, to be imprisoned and sold.

Unlawful to attend political meetings.

Penalty.

Justices to have cognizance.

for any term not exceeding seven years. Justices of the Peace shall have cognizance of offences against this Section.

Unlawful
for Captains
of vessels or
Rail Road
Conductors
to bring into
the State to
any meet-
ing or as-
semblage.

SECTION 5. *Be it further enacted by the authority aforesaid,* That if any captain or commander of any steamboat or other vessel, or conductor of any railway carriage, shall bring into this State any free negro or free mulatto for the purpose of attending camp-meetings or other meetings or any procession or assemblage of negroes or mulattoes for whatever object, he shall be guilty of a misdemeanor and shall be fined two hundred dollars.

Penalty.

Unlawful to
hire or har-
bor a free
negro after
notice that
he is a non-
resident.

SECTION 6. *Be it further enacted by the authority aforesaid,* That if any person shall hire, employ or harbor a free negro or free mulatto, after notice in writing from a Justice of the Peace that he or she is a non-resident, such person shall forfeit and pay to any one who will sue for the same five dollars for each day he so employs or harbors such non-resident, one-half for the use of the State, and the other half for the use of the person suing.

Penalty.

Unlawful to
have a gun,
or any war-
like instru-
ment.

SECTION 7. *Be it further enacted by the authority aforesaid,* That free negroes and free mulattoes are prohibited from owning or having in their possession, a gun, pistol, sword or any warlike instrument, and any free negro or free mulatto offending against the provisions of this Section shall be fined ten dollars by any Justice of the Peace before whom complaint shall be made, and upon failure to pay the fine and cost he or she shall be committed to prison, and after the expiration of twenty days, if the fine and cost shall not be paid, he or she shall be sold to pay the fine and cost, for any period not exceeding seven years.

Penalty.

Justice to
have cogni-
zance.

In default,
to be impris-
oned and
sold.

Unlawful to
sell or loan
fire arms or
ammunition
to negroes.

SECTION 8. *Be it further enacted by the authority aforesaid,* That if any person shall sell or loan any fire arms or ammunition to any negro or mulatto he shall be deemed guilty of a misdemeanor and shall be fined twenty dollars.

Penalty.

Religious
meetings
not to be
held after 9
o'clock, P.
M., nor af-
ter sunset
except three
white per-
sons pre-
sent.

SECTION 9. *Be it further enacted by the authority aforesaid,* That no congregation or meeting of free negroes or free mulattoes assembled for religious worship, shall be held or continued after nine o'clock at night, nor shall any such meeting be held at any time or place after sunset unless in the presence of at least three respectable white male persons, nor shall it be lawful for free negroes or free mulattoes to hold any other

meetings, other than for religious worship, within this State, at any time, unless it be for the burial of their dead, and every free negro or free mulatto who shall violate this provision shall upon conviction before a Justice of the Peace be fined ten dollars, and on failure to pay such fine and cost he or she shall be sold to any person residing in the County, for a term not exceeding seven years.

Unlawful to hold any meeting other than for religious purposes and the burial of their dead.

Penalty.

In default to be sold.

SECTION 10. *Be it further enacted by the authority aforesaid, That* no free negro or free mulatto shall hold any meeting for religious worship, or preach or exhort at such meeting, in any County of this State, other than the County in which he or she may reside, and any free negro or free mulatto who shall violate the provisions of this Section shall be fined fifty dollars by any Justice of the Peace before whom complaint shall be made, one-half of the fine for the use of the State, and the other half for the use of the person making the complaint, and upon failure to pay the fine and cost he or she shall be committed to prison, and after the expiration of twenty days, be sold by the Sheriff to pay the fine and cost, for any term not exceeding seven years.

Unlawful for a free negro to hold or preach at a religious meeting, except in the county of his residence.

Penalty.

In default to be imprisoned and sold.

SECTION 11. *Be it further enacted by the authority aforesaid, That* no free negro or free mulatto shall be entitled to the privilege of voting at elections or of being elected or appointed to any office of trust or profit, or to give evidence against any person, except as is provided in Chapter 107, or to enjoy any other rights of a freeman other than to hold property or to obtain redress in law or in equity for any injury to his or her person or property.

No free negro to be an elector.

Incompetent to testify except as provided in Chapter 107 Revised Code.

SECTION 12. *Be it enacted by the authority aforesaid, That if* any free negro or free mulatto shall be absent from his or her home or place of abode after the hour of ten o'clock at night, unless such free negro or free mulatto shall be absent for the purpose of obtaining the services of a physician, in case of sickness, for himself or his family, or the family of some other person of whom he or she may be in the employ, or unless absent for the purpose of attending upon the wants of the sick of their own color, or on a visit to relatives with the intention of remaining all night, he or she shall be fined not less than five dollars nor more than ten dollars, one half for the use of the State, and the other half for the use of the informer. It shall be the duty of the Justice of the Peace, upon receiving information that this provision has been violated, to issue a warrant to any constable, directing him to bring the

Unlawful to be absent from home after 10 o'clock, p.m. except in certain cases.

Penalty.

Duty of Justices of the Peace.

party accused before him, and upon proof that the accused has violated the provision aforesaid, to impose the fine herein prescribed, and if any free negro or free mulatto, upon whom a fine has been imposed shall refuse or neglect to pay the fine and cost, or give security for the same, he or she shall upon an order of the Justice be whipped by the constable having him or her in charge, with not less than twenty nor more than thirty lashes, on the bare back; and if any slave or servant shall be found from his or her home or place of abode, unless he or she be on business of his or her master or mistress or other person with whom he or she may reside, after the hour of ten o'clock at night, he or she so found absent from his or her home, without permission from his or her master or mistress, or other person in whose employ he or she may be, shall be fined not less than one dollar nor more than two dollars, one-half for the use of the State and the other half for the use of the informer, and if any slave or servant upon whom a fine has been imposed shall refuse or neglect to pay the fine and cost, or give security for the same, he or she shall upon an order of the Justice, be whipped by the constable having him or her in charge, with not less than twenty nor more than thirty lashes on the bare back.

In default of payment or security to be whipped.

Slave absent after 10 o'clock, p.m. without permission.

Fine.

In default to be whipped.

Fees. SECTION 13. *Be it further enacted by the authority aforesaid, That the Justice and constable shall be entitled to the same fees under this chapter as for like services in other cases.*

Chap. 52 of Revised Statutes repealed. SECTION 14. *Be it further enacted by the authority aforesaid, That the provisions of Chapter 52, of the Revised Statutes of this State, be, and the same are hereby repealed, made null and void.*

Passed at Dover, March 18, 1863.

CHAPTER 306.

An Act to authorize John J. Short, of Nanticoke Hundred, in Sussex County, to straighten a certain Public Road in said Hundred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John J. Short, of Nanticoke Hundred, in the County of Sussex, be and he is hereby authorized and empowered to change the course,*

and straighten that portion of the public road in said Hundred leading from Bridgeville to Georgetown, and intersecting the public road leading from Coverdale's Cross Roads to Concord, which passes through the farm of the said John J. Short: Road to be straightened. Provided, that the said John J. Short shall change the course and straighten said road at his own expense and without cost At Short's expense. to the County of Sussex.

SECTION 2. *And be it further enacted,* That the road so straightened shall be a public road, and that the present road shall be vacated, and may be enclosed by the said John J. Short immediately upon its acceptance by the Levy Court of Sussex County. When straightened to be a public road and present road enclosed upon acceptance.

SECTION 3. *And be it further enacted,* That this act shall be a public act. Public Act.

Passed at Dover, March 18, 1863.

CHAPTER 307.

A Supplement to the Act passed at Dover, March 4, 1851, to incorporate the Wilmington Coal Gas Company. 10th vol. 578.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (with the concurrence of two-thirds of each branch of the Legislature,) That the Wilmington Coal Gas Company shall have the right to charge all persons or parties using their gas, a reasonable sum every three months, and collect the same in advance, and at the end of every three months, if the gas actually used amounts to less than the sum paid in advance, it shall be refunded, and if to more than the sum paid in advance, it shall be forthwith paid to the said company, and if any person shall neglect or refuse to pay the advance demanded, which shall be reasonable, for ten days after demand, said company shall have the power to stop off the gas and sue for the sum due. Company to have the right to charge for use of gas for three months and collect in advance. Excess of payment, refunded. Excess used, to be forthwith paid for. Failure for ten days to shut off and sue.

SECTION 2. *Be it further enacted by the authority aforesaid,* That said company shall not have the right to charge the owner of property with any gas unpaid for by an out-going tenant, except with the written consent of said landlord, nor shall said Owner not to be charged, for amount unpaid by out-going tenant.

Company
not to with-
hold gas
from in-
coming
tenant.

Penalty.

company withhold the gas from any in-going tenant who may desire it, upon the terms herein before mentioned, or upon such refusal by said company, after reasonable request, it shall forfeit and pay for each and every offence fifty dollars to the person or party aggrieved, who may sue for and collect the same before any Justice of the Peace, Mayor or Alderman, as other debts of like amount are collectable.

Inconsistent
Acts repeal-
ed.

SECTION 3. *And be it further enacted by the authority aforesaid,* That any act or parts of acts now in force conflicting with the foregoing provisions of this act, be and the same are hereby repealed, made null and void.

Company
may with-
hold from
any in-
coming ten-
ant in ar-
rears.

SECTION 4. *And be it further enacted,* That the said company shall have the right to withhold gas from in-coming tenants that may be indebted to the company until said bills are paid.

Passed at Dover, March 18, 1863.

CHAPTER 308.

An Act for the benefit of Theodore Magee Anderson.

Theodore
Magee An-
derson, con-
stituted the
lawful heir
and repre-
sentative of
his mother.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware in General Assembly met,* That Theodore Magee Anderson, an illegitimate child of Eliza Anderson, of Kent County, be and he is hereby constituted and declared to be an heir at law of his said mother Eliza Anderson, and made capable of inheriting and taking any real and personal estate which the said Eliza Anderson may have at the time of her death, as fully and effectually and in the same manner as if he the said Theodore Magee Anderson had been born in lawful wedlock.

Public Act.

SECTION 2. *Be it further enacted,* That this act shall be deemed a public act.

Passed at Dover, March 18, 1863.

CHAPTER 309.

An additional Supplement to the Act entitled "An Act to Incorporate a Bank in Smyrna, under the name of "The Citizens Bank of Smyrna." 11th vol. 589.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring,) That John M. Voshell, be and he is hereby appointed a commissioner to act in the place of James F. Downs, now deceased, one of the original commissioners appointed in and by the act to which this is an additional supplement. Vacancy supplied in Commissioners.

SECTION 2. *And be it further enacted by the authority aforesaid,* That Section 4, of the supplement to the original act to which this is an additional supplement, be and the same is hereby stricken out and the following inserted in lieu thereof. 12th vol. 87.

"SECTION 4. The entire sum of twenty thousand dollars which by Section 6 of said original act is required to be paid in and deposited in the vaults of the said "The Citizens' Bank of Smyrna," one-half in specie, and the other half in notes of the Banks of this State, or of Philadelphia, paying specie, may be paid, one-half in specie at a premium according to the current price of specie at the time of the payment thereof, and the other half in notes of the banks of this State, or of Philadelphia, in good credit." In the payment preparatory to commencing, specie may be counted at current price. Notes of Banks of this State or Philadelphia in good credit, though not paying specie.

SECTION 3. *And be it further enacted by the authority aforesaid,* That Section 7 of the supplement to the original act to which this is an additional supplement, be and the same is hereby amended by striking out the word "sixty-two" in the fourth line of said Section, and inserting the word "sixty-four" in lieu thereof. Term of Directors, first chosen, extended.

SECTION 4. *And be it further enacted by the authority aforesaid,* That so much of the original act to which this is an additional supplement, and so much of the supplement to the said original act as is supplied by the provisions of this act shall be and the same is hereby made null and void. Repeal of prior Acts, supplied.

Passed at Dover, March 18, 1863.

CHAPTER 310.

12th vol 99. *An Act to repeal an Act entitled "An Act to provide for the Registration of Births, Marriages and Deaths," passed at Dover February 28th, 1861.*

Repeal. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the act entitled "An Act to provide for the Registration of Births, Marriages and Deaths," passed at Dover February 28, 1861, be and the same is hereby repealed, and all the provisions of said act are hereby declared to be null and void.*

Passed at Dover, March 19, 1863,

CHAPTER 311.

An Act to authorize Joshua Sharp, of Nanticoke Hundred, in Sussex County, to change the course of a public road in said Hundred.

Part of road to be straightened. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Joshua Sharp, of Nanticoke Hundred, in Sussex County, be and he is hereby authorized and empowered to straighten that portion of the public road leading from the saw-mill now belonging to the said Joshua Sharp, to Milford, which passes through the lands of the said Joshua Sharp: Provided, the said Joshua Sharp shall straighten said road at his own expense and without cost to said County of Sussex,*

Expenses, how paid.

Public road. SECTION 2. *And be it further enacted, That the said road so straightened at the width of thirty feet shall be a public road immediately upon the acceptance of the same by the Levy Court of Sussex County, and that this shall be a public act.*

Public Act.

Passed at Dover, March 19, 1863.

CHAPTER 312.

An additional Supplement to the Act entitled "An Act concerning the New Castle and French Town Turnpike and Rail Road Company."

Whereas, it is represented to this General Assembly that ^{Preamble.} the said Company is about to erect additional wharves at the town of New Castle, under the provisions of the aforesaid act and of the supplements thereto, for the accommodation of the coal and other trade passing on the railroad of the said company, and on other railroads connected with said railroad; and whereas, it will become necessary for the said company to make and construct branch or side tracks to connect their said wharves with its own or with the before mentioned connecting railroads; and whereas, it may become necessary and important in the prosecution of this enterprise to have wharves erected and constructed on lands further down the river, not owned by the company, and for that purpose as well as for the purpose of constructing the aforesaid branch or side tracks, to use, hold and occupy an additional quantity of land, all which when done will enable the said company more effectually to accomplish the beneficial purposes for which it was created.

SECTION 1. Therefore, *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall and may be lawful for the said The New Castle and French Town Turnpike and Rail Road Company to construct and erect the wharves and side tracks or branches mentioned in the preamble to this supplementary act, said wharves commencing on the shore of the River Delaware at or near high water mark and thence extending to deep water in the said river, and for said purposes to purchase all lands from the owner or owners thereof, by agreement with said owner or owners, and hold the same to the use of the said company, its successors or assigns, and in case such purchases by agreement cannot be made from any cause whatever, then it shall and may be lawful for the said company to apply to the Chief Justice of the State of Delaware to appoint five freeholders, who, being first sworn fairly and impartially to perform their duty, shall go upon said lands and assess the value of said lands and the damages which may accrue to such owner or owners of said lands, by reason of the occupation and use of them for the purposes aforesaid, and certify their finding and award to the said owner or owners and to the said company,

^{Authorised to construct additional wharves and side tracks at New Castle.}

^{To purchase land.}

^{To condemn land.}

^{Mode of proceeding.}

whereupon the company shall become entitled, on paying the damages and value so assessed, to have, use and enjoy for the purposes aforesaid the said lands forever, and in case any owner or owners of any lands so assessed shall be a minor, non-resident or for any cause unwilling or neglecting to receive said damages, the said company may deposit the same in the Farmers' Bank of the State of Delaware, at New Castle, subject to his, her, or their order, whereupon the said company shall have in like manner, the right to have, use and enjoy the said lands for the purposes aforesaid forever.

SECTION 2. This Act is passed with the concurrence of two-thirds of each branch of the Legislature.

SECTION 3. *Be it further enacted*, That the company in making additional tracks across the County road south of the town of N. Castle, shall so construct them as not to interfere with travel upon said road; and if said crossings are at the level of said County road a signal-man shall be kept at that point to warn travellers on the County road of any present danger to them in crossing over the same; and further, the Rail Road Company shall at no time allow cars of any description to stand within the limits of the County road to obstruct travel, unless absolutely necessary by reason of accident.

Passed at Dover, March 19, 1863.

Duties, in case of crossing County road.

Signal man.

Cars not to stand on public road.

CHAPTER 313.

A further Supplement to the Act entitled "An Act to limit the City debt of Wilmington and to provide for the discharge thereof," passed February 21st, 1849.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, (two-thirds of each branch concurring therein,) That the Mayor and Council of Wilmington shall have power and authority, under an Ordinance of the City Council, to be passed with the concurrence of three-fourths of all the members for the time being of the City Council, at any time hereafter, to borrow a sum or sums of money not exceeding in the aggregate forty thousand dollars, bearing interest at the rate of not more than six per centum per annum, payable semi-annually; the said sum of

Mayor and Council to borrow any sum not exceeding \$40,000.

Six per cent. interest payable semi-annually.

forty thousand dollars to be payable at such time or times and in such manner as the Ordinance shall prescribe, and to be appropriated to the improvement of the City Water Works in Wilmington, in erecting new reservoirs in addition to the present and for the construction of other works necessary for their use; but no sum of money borrowed under the authority of this act shall be appropriated to any other purpose whatever.

Appropriated to improvement of City Water Works.

Passed at Dover, March 19, 1863.

CHAPTER 314.

An Act Supplementary to Chapter 89 of Revised Code, entitled "Of the Settlement of Personal Estates."

Rev. Code, 295.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, to wit:

SECTION 1. An executor or administrator may by petition to the Register of Wills for the County wherein he shall have been appointed, apply to be discharged from his office of executor or administrator; and upon such petition and upon its appearing to the Register that the discharge of such executor or administrator will be for the benefit of the parties interested in the estate of the deceased, the Register may grant such discharge and revoke the letters testamentary or of administration, upon such terms and conditions as he may deem necessary for the security of the estate of the decedent, notice of such application and of the time and place of hearing the same shall be given to parties interested by citation served on such as reside within this State, and as to non-resident parties by such publication as the Register shall direct.

Executor or Administrator may apply to Register for discharge.

Notice of application.

Laws regulating acts of removed Executor—Delivery of effects—

SECTION 2. The provisions of law touching the acts of a removed executor or administrator, the delivery of unadministered effects, books and papers, the remedies for enforcing such delivery, the apportionment of commissions and the fees of the Register in the proceedings, for the removal of an executor or administrator shall apply to the case of an executor or administrator removed under this act.

Remedies for enforcing. Commissions—Fees of Register—shall apply.

Register authorized to make any order necessary to carry this act into effect.

SECTION 3. The Register of Wills shall have power to make any order upon a discharged executor or administrator which

may be necessary to carry into effect the provisions of this act, and to enforce such order by attachment.

Appeal.

SECTION 4. There shall be an appeal from the Register of Wills exercising jurisdiction under this act to the Superior Court.

Passed at Dover, March 19, 1863.

CHAPTER 315.

An Act to incorporate a Bank in Seaford, in the County of Sussex, under the name of "The Diamond State Bank."

Commissioners appointed.

On or before Aug. 1, 1863, to open subscription books in Seaford, and such other places as they may think proper.

Form of subscription.

Notice.

Limitation of Subscriptions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring,) That William W. Dulaney, Jacob Kinder, George W. Horsey, Hicks D. Hooper, William W. Wright, George W. Green and James Stuart, be and they are hereby appointed commissioners to do and perform the things hereinafter mentioned, that is to say, they or any three of them shall on or before the first day of August next, procure a sufficient number of suitable books, one of which shall be opened in Seaford, and the others if it should be deemed advisable by a majority of the said commissioners at such other place or places, within the limits of this State as they shall think proper, in each of said books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to "The Diamond State Bank," the sum of twenty-five dollars for each and every share of stock set opposite to our respective names in such manner, sums and at such times as shall be directed by the President and Directors of said Bank," and shall thereupon give notice in two or more of the newspapers printed and published in this State, at least twenty days, of the time and place or places where and when said books shall be opened to receive subscription for the capital stock of the said Bank, at which time and place or places two or more of the said commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in manner following, that is to say, on the first day in which the said books are opened no person shall subscribe for more than forty shares, either in his own name or as attorney for another, and on the second day on which the said books shall be opened the same restrictions shall apply, and if at the expiration of

the second day the number of two thousand shares shall not have been subscribed, then on the third day or any following day on which the said books shall be opened, it shall be lawful for any person in his own name, or attorney for another, to subscribe for any number of shares in the said stock not exceeding two hundred shares, until the whole number of two thousand shares shall be subscribed. The said commissioners shall keep the books open at least three days, and at least six hours in each day, unless the whole number of two thousand shares shall have been before that time subscribed, upon ascertaining which, they may close the books, and if it shall so happen that more than two thousand shares shall be subscribed, then the commissioners, or a majority of them, are hereby authorized and directed to deduct from the last subscriber or subscribers until the shares shall have been reduced to the proper number.

Period of
keeping
books open.

If excess of
subscriptions,
deductions to
be made.

SECTION 2. *And be it further enacted as aforesaid,* That the Capital Stock of the said Bank shall be fifty thousand dollars, divided into two thousand shares, of twenty-five dollars each. Capital stock \$50,000.

SECTION 3. *And be it further enacted as aforesaid,* That each subscriber to the stock of said company shall pay to the commissioners at the time of subscribing for the same, two dollars and fifty cents on each and every share subscribed. Two dollars and fifty cents per share to be paid at subscription.

And it shall be lawful for the directors of the said company appointed in the manner hereinafter directed, to call in and demand of the stockholders, respectively, all such sums of money as are by them subscribed by instalments, not exceeding ten dollars per share, upon giving thirty days previous notice to the stockholders, in two or more newspapers printed and published in this State, and in such other newspapers as the said directors shall deem proper, and in case of failure in the payment of all or any part of the said instalments, at the time or times so required, each and every share on which such failure shall have occurred, and the interest or dividends on all monies previously paid may be forfeited by the said directors for the benefit of the corporation, or in case they shall not elect to forfeit the said shares, it shall and* may be lawful for the said corporation to sue, either at law or by action of debt or assumpsit, or in equity, for the recovery of any sum or sums of money due, or to become due as aforesaid, from any subscriber, and in all suits, either at law or equity, in the courts of this State by or against the said company, this act shall be deemed and taken to be a public act, and need not be set forth in the pleadings or given in evidence.

Residue in
instalments
not exceed-
ing ten dol-
lars per
share.

Notice of
calls.

Delinquent
subscribers
may be sued
or their
shares for-
feited.

Public Act.

* So in original.

When the whole capital stock subscribed Company incorporated.

Name.

Corporate powers.

SECTION 4. *And be it further enacted as aforesaid,* That as soon as the whole amount of two thousand shares shall be subscribed, the subscribers, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of "The Diamond State Bank," and by the same name shall have succession for the term of twenty years from the date of this act, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, receive, have, hold, and enjoy to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien, or dispose of, and also to have a common seal, the same to break, alter and renew at their pleasure.

When to commence.

Statement under oath.

SECTION 5. *And be it further enacted as aforesaid,* That the said bank shall have power to commence business as soon as fifty thousand dollars shall have been subscribed, and twenty thousand dollars actually paid in, one-half in specie and the balance in notes of solvent banks of this State or of the city of Philadelphia, and it shall be the duty of the directors to make a statement under oath or affirmation of the description and amount of such deposits and transmit the same to the Governor of this State previous to the said bank going into operation.

Directors.

SECTION 6. *And be it further enacted as aforesaid,* That for the proper management of the business and affairs of the said bank, there shall be seven directors, who shall be elected by the stockholders, in the manner and at the times hereinafter directed, and who shall choose a President from among their number. They shall be stockholders at the time of their election and during their term of service, and a majority of them shall be residents of this State.

First election.

Seven Directors.

SECTION 7. *And be it further enacted as aforesaid,* That the commissioners aforesaid as soon as conveniently may be, after the capital stock has been subscribed for as aforesaid, shall give such notice as they may deem advisable of the time and place in Seaford, at which the subscribers to the stock of the said bank shall meet in order to organize the said company, and the said commissioners or any two of them may hold the election, at which time and place the said subscribers shall choose by a majority of the votes present, to be given in person or by proxy, seven directors, and the said directors shall at their first meeting after the election, choose one of their number Presi-

dent, and shall manage and conduct the business and affairs of the company until the first Wednesday in January next, after their election, and on the same day in every year thereafter, in Seaford, of which twenty days notice shall be given as aforesaid, at which meeting or meetings the stockholders shall choose by a majority of votes present, given in person or by proxy, seven directors, who shall continue in office for one year, and until others be chosen, and in case of any vacancy or vacancies in the Board of Directors, by death, resignation, removal from the State or otherwise, the remaining directors shall have power and are hereby authorized to fill such vacancy or vacancies by electing from among the stockholders. And the said directors shall, at their first meeting after the election choose a President from among their number. Special meetings of the stockholders, of which notice shall be given as aforesaid, shall be called by the directors, upon the request in writing of stockholders owning four hundred shares of stock, or when the directors shall deem it necessary, and on all occasions of voting, each stockholder shall be entitled to one vote for each share of stock held by him three calendar months before the day of voting. At every election of directors two stockholders, not being directors, shall be appointed judges of said election by the stockholders present, who shall decide upon the qualification of voters and declare the state of said election, and certify the same to the existing Board of Directors. But in case it should happen at any time that an election of directors shall not be made on the day above mentioned, the corporation shall not therefore be dissolved, but it shall be lawful to hold the said election at a special meeting, to be called by the directors according to the provisions of this act.

Annual
Election
at Seaford.

Notice.

Vacancy.

Special
Meetings.Regulations
as to voting.Corporation
not dis-
solved from
failure to
elect.

SECTION 8. *And be it further enacted as aforesaid,* That all corporate powers of the said company shall be exercised by the directors and such officers and agents as they shall appoint. The directors shall have power to make all by-laws, rules and regulations necessary and proper for the government of the company and not repugnant to the Constitution and laws of this State or of the United States, but no by-law shall be enacted or repealed unless by a vote of two-thirds of all the directors. On all questions before the Board the President shall vote as a director. Meetings of directors, either special or stated shall be held or called as the by-laws may prescribe and three directors shall constitute a quorum for the transaction of business. The directors shall allow such salaries to the president and other officers as they may deem proper, but no director shall be entitled to any salary or emoluments, unless the same shall have been allowed by the stockholders in annual meeting assembled.

Directors,
powers of.

By-Laws.

Meetings of
Directors.

Salaries.

Fundamental articles. SECTION 9. *And be it further enacted as aforesaid,* That the said corporation is hereby vested with banking powers, and that in the exercise of the same the following shall be the fundamental articles of its government, that is to say:

What lands Corporation may hold. First. The said corporation shall hold no lands, tenements or hereditaments, except such as may be required for the convenient transaction of its business, or as may be *bona fide* mortgaged or pledged to it as security for debts, or purchased at sales on judgments, which shall have been obtained for such debts.

Rate of Interest. Second. The said corporation shall not take more than at the rate of one per centum for every sixty days upon its loans or discounts.

Bills and notes, by whom signed. Third. All bills and notes not under the corporate seal of the bank shall be signed by the President and such other officers as the directors may appoint for that purpose.

Banking House in Seaford, corporation subject to Sec. 5, Chap. 71, Rev. Code. Fourth. The said corporation shall keep their banking-house in Seaford, and their notes shall be made payable there, in reference to which the said corporation is hereby expressly declared to be subject to Section 6, of Chapter 71, of the Revised Statutes of the State of Delaware.

Stock assignable. Fifth. The stock of said bank shall be assignable and transferable in such manner as may be prescribed by its by-laws.

Amount of debts. Sixth. The total amount of the debts which the said corporation shall at any time owe, whether by note, bill or otherwise, shall not exceed double the amount of capital actually paid into the bank, deposits not included.

Cashier and accounting officers to give Bond. Seventh. The directors shall require from the cashier and accounting officers of the bank, such bond and security for the faithful performance of their duties as may be prescribed by the by-laws.

Tax to the State. SECTION 10. *And be it further enacted as aforesaid,* That the said corporation shall, semi-annually, pay into the treasury of this State, for the use of the State, a tax of one-half of one per centum on the amount of the capital stock actually paid in.

Power to increase Capital Stock by consent of two-thirds. SECTION 11. *And be it further enacted as aforesaid,* That the stockholders of the said corporation shall have the power to increase the capital stock of the said bank to one hundred thousand dollars, and the number of shares to four thousand: Provided, That at any stated or special meeting of the stockholders, the consent of the owners of two-thirds of the capital stock is given so to do.

SECTION 12. *And be it further enacted as aforesaid,* That the said commissioners in receiving subscriptions to the capital stock shall not suffer or permit more than two-fifths of the said capital stock to be subscribed for by persons not residing in this State, either personally or by attorney, and in case it should so happen that more than two-fifths of said stock shall have been subscribed for by non-residents as aforesaid, then the said commissioners shall deduct from said subscriptions last subscribed by such non-residents until the aggregate amount so subscribed for by them shall be reduced to two-fifths. And if at any time after the Bank hereby established shall have commenced business, and during the continuance of the said corporation, it should so happen that by subscription or sale, a proportion of said stock, greater than a majority, shall be held or owned by persons not residing in this State, either in their own names or the name of any other person as attorney, then the share or shares constituting such majority or overplus, and last subscribed, or sold and transferred on the book of the said corporation, shall be forfeited by the directors for the benefit of the said corporation, and in case of the removal of any stockholder from the State, so that he ceases to be a citizen, if the amount of stock held or owned by him shall increase the amount of stock held or owned out of this State to a proportion greater than a majority, it shall be incumbent on such stockholder to sell and transfer his said stock or so much thereof as will reduce the amount so held or owned out of the State to less than a majority to some person or persons residing within this State, within three months from the time of such removal, or the same shall be forfeited by the said directors for the benefit of the corporation.

Not more than two-fifths of capital stock to be subscribed for by non-residents.

In case a majority of stock shall be held by non-residents, the over-plus forfeited to the corporation.

SECTION 13. *And be it further enacted as aforesaid,* That if the said corporation shall not be fully organized, according to the provisions of this act, on or before the first day of February, one thousand eight hundred and sixty-five, then in that case this act shall be null and void, and of no effect.

If corporation not organized by Feb. 1, 1865, this act to be void.

SECTION 14. *And be it further enacted as aforesaid,* That the power of revoking or repealing this act is hereby expressly reserved to the Legislature.

Revocation.

Passed at Dover, March 19, 1863.

CHAPTER 316.

An Act to cede certain lands to the United States of America.

Commissioners appointed to act in conjunction with agent of United States, to locate land not exceeding forty acres.

Limits within which location to be made.

Cession of soil and jurisdiction.

Provided, that a fortification or pier be commenced within two years.

Plot to be made and recorded.

Land ceded to be used for no other purpose.

No non-resident negro to be employed.

Cession made upon the express condition that slavery shall not be abolished there while it exists in Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Nathaniel W. Hickman, William D. Waples and James Ponder, of Sussex County, be and they are hereby appointed commissioners on the part of the State of Delaware, and they, or a majority of them, are hereby authorized and empowered, in connection with any agent or person appointed by the President of the United States or by the Secretary of War, to locate and fix the boundaries of any quantity of land belonging to the State of Delaware, not exceeding forty acres, situate and lying on the Delaware Bay, south-east of the old mole, usually called the Government mole, and between said old mole and the point of Cape Henlopen, and the land belonging to the State of Delaware, located and designated by the boundaries, to be fixed and determined by the commissioners aforesaid, in conjunction with the agent or person to be appointed as aforesaid by the President of the United States or by the Secretary of War, and all claim, title and right of soil and jurisdiction of the State of Delaware, in, to or over the same is hereby ceded to and vested in the United States in perpetuity: Provided, That the location of said land be made and fixed, and the erection of a Fort, Battery, fortification or pier thereon be commenced within two years from the passage of this act, and that within that time a plot of the land so located and hereby ceded as aforesaid, be made and recorded in the Recorder's Office, in and for Sussex County; and Provided also, That the land hereby ceded shall be used for the purpose hereinbefore specified, and for no other purpose whatsoever; and Provided further, That no non-resident negro or mulatto shall be employed in the erection of any fort, battery, fortification or pier or for any purpose within the limits of the land hereby ceded.

SECTION 2. *Be it further enacted by the authority aforesaid, That* the above cession of land and jurisdiction hereby made to the United States, is made upon the express and fundamental conditions hereinafter named, that is to say, upon the express and fundamental condition that slavery or involuntary servitude shall not be abolished within the limits hereby ceded, while slavery shall exist by law within the State of Delaware, and upon the further express and fundamental condition that

no escaped or fugitive slave shall be permitted to remain within the limits hereby ceded, but shall be delivered up upon proof of ownership to the person, his agent or attorney, entitled to the labor or service of such escaped or fugitive slave; and also upon the further express and fundamental condition, that if the United States of America shall fail to maintain and keep in repair any fort, battery, fortification or pier, erected or constructed on the land hereby ceded, for the space of five years, then and in that case all the claim, title and right of soil and jurisdiction of the United States, of, to and over the land ceded by this act, shall cease and determine, and the same shall revert to and revest absolutely in the State of Delaware.

That no escaped or fugitive slave shall be suffered to remain.

That if the United States fail to maintain any fort &c. for five years, then to revert to this State.

Passed at Dover, March 20, 1863.

CHAPTER 317.

An Act to amend Section 1 of Chapter 48, and Section 35 of Chapter 125 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 1, of Chapter 48, of the Revised Statutes, of the State of Delaware, be and the same is hereby amended by inserting in the second line of said Section, between the words "County" and "one," the words "two in Wilmington Hundred," and also in the same line between the words "the" and "Hundreds," the word "other," and that Section 35 of Chapter 125 of the Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting in the last line of said Section between the words "Hundred" and "Dollars," the words "and twenty."

Rev. Code 139.

Rev. Code, 444.

Passed at Dover, March 20, 1863.

CHAPTER 318.

An Act for the re-incorporation of the Town of St. Georges, in New Castle County, State of Delaware, and for a further supplement to said act.

Del. Laws,
Vol. 6: 523.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch concurring,) That the act of incorporation of the town of St. Georges, passed on the 7th day of February, Anno Domini 1825, be and is hereby revived and rendered in full force and effect, from the passage of this act.*

Town Com-
missioners
authorized
to re-survey

SECTION 2. *Be it further enacted by the authority aforesaid, That the Town Commissioners to be, and that are elected annually, under said act of incorporation, shall have power to make or cause to be made a re-survey of the said town, so as to set bounds to those parts of the said town that are on the outside of the old survey, and make a map of the same, and record it as required in the old survey.*

To regulate,
open and re-
pair streets.

To raise
money by
taxation.

Not com-
pelled to re-
pair streets
now deemed
public roads
of N. C.
County.

SECTION 3. *And be it further enacted, That the said commissioners be invested with full power to cause all the streets, lanes and alleys of said town, both those now in use and such new ones as may be laid out and located under the provisions of this act, to be repaired, supported, opened, regulated and amended, and all obstructions and nuisances at any time therein found, to remove them or cause them to be removed, as they may deem most proper, and in conformity to the re-survey and plot of the said town, so to be made as aforesaid, by virtue and in pursuance of this act, and for these purposes and also to defray all expenses, costs and charges arising and accruing in consequence of any thing contained in or to be done under this act, to cause such sum or sums of money to be raised annually by tax, to be assessed, levied and raised on the real property and voters within the said town, as to them shall appear to be right and proper, provided always, that the said commissioners shall not be compelled to support, repair or mend the streets in the said town now deemed public roads and supported by the County of New Castle, except only so far as they may consider it to be for the convenience of the citizens of said town.*

SECTION 4. *And be it further enacted,* That if any person or persons shall, for money or other reward, in said town of St. Georges, exhibit any image or pageantry, sleight of hand, tricks, puppet shows, or circus, any feats of balancing, personal agility, strength or dexterity, or any theatrical exhibition, without permission from the commissioners under this act, he or they shall forfeit the sum of fifty dollars, to be sued out by said commissioners, and the amount to be appropriated to the use of said town. The commissioners may grant a license for such exhibitions on receiving five dollars for the use of the town; in no case less than two dollars.

Unlawful to exhibit shows or theatrical exhibitions without license.

Penalty.

Fee for license.

Exception.

This Section not to extend to any literary, scientific or musical exhibition. If said commissioners shall wilfully suffer any exhibition contrary to this Section to be had or made in said town, they shall be deemed guilty of a misdemeanor, and shall be fined fifty dollars, which sum shall be collected as an ordinary debt, from the commissioners granting or tolerating such offence, and the money shall be appropriated to the use of said town.

Commissioners suffering such exhibition guilty of misdemeanor.

Penalty.

How collected.

SECTION 5. *And be it further enacted,* That the said commissioners shall have power, on complaint of any citizen, to examine any chimney, stove-pipe fixtures or other matter dangerous to the town, and, if adjudged dangerous, to require it to be repaired; to prevent or remove nuisances therein, to prohibit firing guns and pistols, the making bon-fires or setting off fire-works, or any dangerous sports, or to prevent or suppress any noisy and turbulent assemblages of persons within the said town, and for this purpose to make and publish ordinances imposing penalties not exceeding in any case five dollars.

Commissioners to examine chimneys, &c.

To prevent or remove nuisances.

To make ordinances.

These penalties shall be for the use of the said town, and may be collected as other penalties of like amount imposed by law, but this Section shall not apply to the discharging a gun or pistol on any day of public rejoicing or where it is authorized by law or required by necessity.

Penalties imposed by ordinances to be for the use of the town.

Exception.

Passed at Dover, March 20, 1863.

CHAPTER 819.

An Act for the protection of the Growers of Fruits and Vegetables within the several Counties of this State.

Preamble.

Whereas, the growing of fruits and vegetables for the Philadelphia and New York markets has become one of the leading interests of the State of Delaware, and whereas no sufficient protection has as yet been extended to that branch of industry and enterprise. Therefore,

Unlawful to take and carry away fruit, plants or trees from orchards garden or nursery without consent of owner.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from and after the passage of this act, every person who shall, within the limits of this State, wilfully enter the enclosure of another without his consent, (whether said enclosure be by fences or by water-courses, sufficiently deep to protect said premises from the depredations of farm stock, or partly by fences and partly by water-courses,) and take and carry away any fruit, vegetables, plant, fruit or ornamental tree, vine or shrub, from any orchard, garden or nursery, if the same be attached to the soil, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery of said State, for the county in which such offence shall have been committed, shall be deemed to be guilty of a misdemeanor, and shall be sentenced by said court to pay a fine not less than five dollars nor more than twenty dollars and the cost of prosecution, and in default of the payment of such fine and costs, such defendant shall be imprisoned in the County Jail for a term not less than five days nor more than thirty days.

Penalty.

Unlawful to gather fruit without consent.

SECTION 2. *And be it further enacted as aforesaid,* That any person who shall enter the enclosure of another without his consent, and wilfully gather from the trees or bushes within such enclosure, any apples, pears, peaches, cherries, apricots, quinces, plums, damsons, lawton blackberries, raspberries, gooseberries, currants, grapes, strawberries, or any other fruit cultivated for market or family use, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery for the county in which such offence shall have been committed, shall be sentenced by said court to pay a fine not less than five dollars

Penalty.

nor more than twenty dollars, and the costs of prosecution, and in default of the payment of such fine and costs, shall be imprisoned in the County Jail for a term not less than five days nor more than thirty days.

SECTION 8. *And be it further enacted by the authority aforesaid,* Court of Gen. Sessions to give act in charge to Grand Jury. That it shall be the duty of the court aforesaid, to give the provisions of this act in charge to the Grand Jurors of the several counties of this State, at the first term thereof, in the respective counties after the passage of this act.

Passed at Dover, March 23, 1863.

CHAPTER 320.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every person, association or company of persons who shall be engaged in the business of opening oysters within the State, for the purpose of exporting or sending them out of the State, shall pay to the County Treasurer of the County wherever such oysters may be opened, a tax of one cent for every bushel of shell oysters so opened for exportation as aforesaid, and it shall be the duty of every such person, association or company of persons engaged in the business of opening and exporting oysters as aforesaid, to make on the first day of every month, returns under oath or affirmation to the Clerk of the Peace in and for the county where such business may be carried on, showing the number of bushels of shell oysters opened within the month for exportation from the State. Every person opening oysters for exportation shall pay a tax therefor. To make return on first day of every month, to Clerk of the Peace of the number of bushels opened.

SECTION 2. *Be it enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace to whom any return has been made under the provisions of Section 1, of this act, within five days after such return shall have been made, to certify to the County Treasurer of the County in which such return shall have been made, the amount of the tax due by such return, and the name or names of the person or persons from whom such tax is due; and it shall be the duty of the County Treasurer aforesaid, if such tax shall not be paid within ten days thereafter, to proceed to collect the same, and he shall have any and all the remedies for the collection of such tax as are now given by the laws of this State to collectors of County taxes. Clerk of the Peace to certify amount of tax to county Treasurer. If tax not paid in ten days, county Treasurer to collect. Mode of collection.

County
Treasurers
liable on
their official
Bonds.

SECTION 3. The County Treasurers for the several counties, shall be liable upon their official bonds, for the amount of taxes received under the provisions of this act.

County
Treasurer
of Sussex to
pay to J. E.
Martin and
W. W. Du-
laney \$50
annually
out of the
sum raised.

Sum to be
applied to
repairing a
public road.

In case of
death or re-
fusal to
serve the
Levy Court
of Sussex
to appoint.

SECTION 4. *And be it further enacted,* That it shall be the duty of the County Treasurer of the county of Sussex, to pay annually to John E. Martin and William W. Dulaney, the sum of fifty dollars, out of the revenue or sum raised by the tax herein provided, to be applied by them to the repairing and maintaining in good order the public road leading from the depot between Delaware Railroad and the lands of John E. Martin and the heirs of O. R. Martin, and from the bridge crossing the said Railroad to the hotel now owned and occupied by John L. Colbourne, in the town of Seaford, and the said John E. Martin and William W. Dulaney, are hereby directed to expend said sum under the direction of the overseer of said road, and in the case of the death or refusal to serve of said John E. Martin and William W. Dulaney, or either of them, it shall be the duty of the Levy Court of Sussex County at their first meeting thereafter, to appoint some person or persons to supply such vacancy.

Passed at Dover, March 23, 1863.

CHAPTER 321.

An Act to provide for the prosecution of those who Draw Lotteries in this State.

Preamble.

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594.

Whereas, it is shamefully notorious that lotteries are drawn daily in the city of Wilmington, under the pretended authority of the act passed on the 26th day of January, A. D. 1859, entitled "An act for the encouragement of Internal Improvements in the State of Delaware," notwithstanding the declaration of forfeiture contained in the act passed at the last session, entitled "An act declaring the cesser of the grants, liberties and privileges contained and specified in the act of the General Assembly of the State of Delaware, entitled "An act for the encouragement of Internal Improvements in the State of Delaware," passed at Dover, January, 26, 1859, and to resume and re-vest the same in the State," (12 vol. chap. 196,) and the resumption by the State of the grants, liberties and franchises con-

12th vol.
219.

tained in said original act, and the provision that it was and should be unlawful for Richard France (the grantee therein,) or his assignee or assignees, to have, enjoy or exercise any of the grants, liberties or privileges in the said act contained and specified: And whereas, it appears to this General Assembly, that under the provisions of the 3d Section of the aforesaid act, passed at the last session of the Legislature, the late Governor, William Burton, Esquire, did appoint two counsel in behalf of the State, to aid the Attorney General in the prosecution of the duty enjoined upon him by said act, and that a proceeding, in the nature of a writ of *quo warranto* against parties claiming to act under assignment from the aforesaid Richard France, in the drawing of lotteries authorized under the aforesaid original act, has been instituted by the said Attorney General in the Superior Court of New Castle County, with the concurrence of the aforesaid counsel, but that the same has never yet been prosecuted to trial:

And whereas, it was contemplated by the General Assembly at the time of the passage of the act of the last session, (as appears by the declarations of those of our body who were members of the last Legislature) that a proceeding in the Court of General Sessions of the Peace Jail Delivery by indictment, or in the Court of Chancery by injunction, would and should be adopted in case the first Section of said act should be violated by the said Richard France, or his assignee or assignees: And whereas, the drawing of the aforesaid lotteries under the circumstances appears to be a gross and wilful violation of the last mentioned act of the General Assembly, and seems designed to set at defiance the Legislative authority vested by the Constitution of this State in the General Assembly, and this Legislature deeming the aforesaid proceeding by *quo warranto* unnecessary, and that at best it would be an inadequate mode of redress, being dilatory and thereby beneficial to the violators of the law, and that a more speedy and efficient remedy should be pursued. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware in General Assembly met,* That the Attorney General of this State be and he is hereby requested, and it is declared to be a part of his official duty, to proceed by indictment at the next term of the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, against all and every person or persons, who, since the passage of the aforesaid act of the General Assembly of this State, (12 vol. chap. 196), have presumed or may hereafter presume to draw lotteries in the State of Delaware, in violation of or contrary to the provisions of the 1st Section of said act and of the Revised Statutes of this State.

Duty of the Attorney General to indict persons drawing lotteries at the next Term of Gen. Sessions in New Castle County.

Preamble.

And whereas, it has been suggested by certain persons learned in the law, that according to the rules and principles of the common law, an indictment will not lie against the violators of the last mentioned act until the fact of forfeiture on the part of the said Richard France, or his assignee or assignees, has been, previously, determined judicially in some proceedings appropriate to that purpose, and that a *quo warranto* is the only proceeding by which such fact can be tried: and whereas, such suggestion does not present itself with much force to the minds of the members of this General Assembly, but yielding to it for the sake of removing the difficulty out of the way of those who display so commendable a regard for our ancient institution of the customary law, and conceiving, as this General Assembly does, that it may, at its pleasure, at any time, alter, change, or even abolish the common law, saving only rights vested under it. Therefore,

If the Court shall deem the fact of forfeiture open to inquiry, the question may be tried on the indictment.

SECTION 2. *And be it further enacted*, That if the Court of General Sessions of New Castle County, shall, as this General Assembly are unwilling to believe they will be of the opinion that the declaration of forfeiture contained in the said last mentioned act of Assembly is not conclusive, but that the fact of forfeiture is open to inquiry, it shall and may be lawful for the said court in the said proceeding by indictment, to try collaterally the question whether the grants, liberties and privileges contained and specified in the act entitled "An act for the encouragement of Internal Improvements in the State of Delaware," passed at Dover, January 26, 1859, ceased and became of no effect from and after the period of thirty days from and after the first day of July, A. D. 1861, and to determine thereon as upon any other question, which can or may by the rules, proceedings or principles of the common or statute law properly arise in trials by indictment.

Unless the Attorney General shall submit indictments within the first three days of the session of the General Assembly, and Jos. P. Comegys, Esq., appointed.

SECTION 3. *And be it further enacted*, That without intending to express any doubt that the Attorney General will do his duty in the premises, or to reflect on him in any respect, unless indictment or indictments as above contemplated, be submitted by said Attorney to the Grand Jury of New Castle County, against the aforesaid violators of the aforesaid act of the last session of the General Assembly, and of the first Section of Chapter 182 aforesaid, within the first three days of the next May Term of the Court of General Sessions of said County, that Eli Saulsbury and Joseph P. Comegys, two members of the bar of this State, be and they are hereby appointed for that purpose, and they are hereby authorized and empowered to prepare, in behalf of the State, and to be signed with their

own names as attorneys in that behalf for the State, a proper bill or bills of indictment as contemplated above and submit the same to the aforesaid Grand Jury, with proper witnesses (which they are authorized in the name of the State to summon,) to sustain the charges therein contained, and, if the same shall be found by the said Grand Jury, to proceed to try the same; and they shall have, for the purpose of such indictment and trial, all the powers usually exercised by the Attorney General in the trial of criminal cases.

SECTION 4. *And be it further enacted,* That upon the application of the defendant in any indictment aforesaid, the aforesaid Court of General Sessions is hereby authorized to change the venue to Kent County: Provided such change shall not involve any delay in the commencement of the trial beyond the fifteenth day of June next; and to carry this provision into effect, the Judges thereof are requested to adjourn over the Court of General Sessions for Kent County, until the second Monday of June next, to hear said indictment therein, if application for change of venue shall be made as aforesaid and granted.

Court authorized to change venue, upon application of the defendant, to Kent County.

Proviso.

Judges requested to adjourn the Court of Gen. Sessions of Kent County.

SECTION 5. *And be it further enacted,* That the aforesaid members of the bar shall be paid for their services, respectively, a fair and liberal compensation, to be designated by the Chief Justice of the State, and paid by the State Treasurer, on his certificate and their order.

Compensation of Counsel.

SECTION 6. *And be it further enacted,* That the Secretary of State shall cause a copy of this act, duly certified under his hand and seal of office, to be published in the Delaware Gazette, a newspaper printed in the city of Wilmington, from the time of the passage hereof until the third Monday of May next.

Publication of this act.

SECTION 7. *And be it further enacted,* That it shall be no objection to proceedings taken under this act, that the aforesaid proceeding by *quo warranto* is pending in the aforesaid Superior Court of New Castle County; nor shall the principle or practice of election of remedy be applicable.

No objection to proceedings under this act that *quo warranto* is pending.

Passed at Dover, March 24, 1863.

CHAPTER 322.

An Act to improve the Navigation of Lewes Creek, and other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the commissioners of the Great and Beach marshes in Lewes and Rehoboth Hundred, or a majority of them, be and they are hereby authorized and empowered to construct and build a bridge across Canary Creek, in said Hundred, at such point or place on said creek as shall be selected and determined upon by a majority of said commissioners, and a majority of the commissioners of the town of Lewes, and for the purpose of building such bridge and keeping it* in repair the necessary causeways, the commissioners of the Great and Beach marshes aforesaid are hereby authorized to cut, take and use such timber as may be necessary from the Cape Henlopen Pinery.

Commissioners of Great and Beach Marshes authorized to bridge Canary Creek.

To cut timber from Cape Henlopen Pinery.

SECTION 2. *And be it enacted by the authority aforesaid,* That if a majority of the said marsh commissioners and a majority of said commissioners of the town of Lewes shall deem it necessary, it shall be the duty of said marsh commissioners to construct a draw upon said bridge hereby authorized, to be built over said Canary creek, in such manner as will least obstruct the navigation of said creek and promote the public convenience.

To construct a draw.

SECTION 3. *Be it enacted by the authority aforesaid,* That the commissioners of the said Great and Beach marshes, or a majority of them be and they are hereby authorized and empowered to expend the proceeds of the annual sales of salt hay on said marshes, in the construction, building and repairing of the said bridge and necessary causeways and in the improvement of the navigation of Lewes creek, Canary creek and the canal, as they and the commissioners of the town of Lewes, or a majority of them, shall deem most advisable and proper.

To expend the proceeds of sales of hay, for the maintenance of bridge.

SECTION 4. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal.

Passed at Dover, March 24, 1863.

* So in original.

CHAPTER 323.

An Act, appointing Commissioners to lay out a Public Road in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.

SECTION 1. That John A. Cahall, Martin Smith, Charles Williamson, John Hopkins, and Charles M. Adams, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin near the western line of the lands of Henry Saulsbury, on the public road leading through his lands towards Potter's Landing, in Maryland, and to run from thence through lands of the said Henry Saulsbury, lands of Eli Saulsbury, lands of Dr. William A. Tatum, lands of James Colburn, and lands of Zebulon Layton, till it intersects the Maryland State line near the mouth of the public road leading to Denton, in Caroline County, in the State of Maryland, and if they, or a majority of them, shall determine that there is need of such a road, they shall with the assistance of some skilful surveyor, to be by them selected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the most remarkable places, and of the woodland, cleared land and improvements by and through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury, which will accrue to each of said owners, and they shall make a computation of the costs of opening and making said road, and making the bridges and causeways thereon, setting down the several items of said cost, and, if a road shall be laid out, shall in their return, to be made to the Clerk of the Peace in and for Kent County, set forth a description of said road and their determination that there is need of the same for public convenience and shall annex to their said return the plot as aforesaid.

Commissioners appointed to view premises.

Course of Road.

If they judge a road necessary, to lay out.

Plot.

Damages.

Computation of costs.

SECTION 2. The plot and return so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for Kent County aforesaid, to be by him laid

Return to Clerk of the Peace.

Levy Court may adopt. before the Levy Court of said County, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said County.

When adopted to be a public road of Kent County.

Commissioners and surveyor to be sworn.

SECTION 8. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill, respectively, which oath may be administered by either of said commissioners or any public officer qualified to administer oaths.

Vacancies how filled

Compensation.

The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any Judge of this State or by any Justice residing within said county. The fee of the commissioners shall be one dollar, and the fee of the surveyor two dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

Passed at Dover, March 24, 1863.

CHAPTER 324.

Rev. Code 898.

An Act to amend Section 36, Chapter 111 of the Revised Statutes of the State of Delaware.

Rev. Code 400.

Writ of possession in case of land sold.

SECTION 1. *Be it enacted by the Senate and House of Representatives, of the State of Delaware in General Assembly met, That Section 36, of Chapter 111, of the Revised Statutes of the State of Delaware, be and the same is hereby amended as follows, viz :* by inserting immediately after the word "Chancellor" and before the word "or," in lines 1 and 2 of said Section, the words "or by order of the Orphans' Court for the payment of debts."

Orphans Court authorized to award writ.

SECTION 2. *And be it further enacted by the authority aforesaid That Section 37 of said Chapter 111, be and the same is hereby amended as follows: by inserting after the word "order" and before the word "or," in line 1 of said Section, the words "or the Orphans' Court if the sale be made upon its order for the payment of debts."*

Passed at Dover, March 25, 1863.

CHAPTER 325.

An Act to amend Section 50 of Chapter 89 of the Revised Code of Delaware Laws.

Rev. Code,
295.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 50 of Chapter 89, be amended by inserting in the sixth line of the said Section 50 of Chapter 89 of the Revised Code, the following words before the word notary, "Register of Wills." Rev. Code, 308.
Register of Wills authorized to acknowledge acquittances.

SECTION 2. *And be it further enacted by the authority aforesaid,* Fee. That the fee for acknowledging acquittances by the Register of Wills shall be thirty cents.

SECTION 3. *And be it further enacted by the authority aforesaid,* That in any future publication of the laws, the said Chapter 89 shall be published as amended. Future publication.

Passed at Dover, March 25, 1863.

CHAPTER 326.

An Act to secure the freedom of Elections in this State.

Whereas the Constitution of this State declares that "all elections shall be free and equal," and whereas the freedom of elections and the free enjoyment of the right of suffrage according to the Constitution and laws of the State, are essential to the enjoyment of public liberty; and whereas, evil disposed persons did cause armed soldiers to be brought into this State and to be present at different voting places in the State on the day of the last general election, and a free election was thereby prevented; and whereas, it is proper that a repetition of so grave an offence against the peace and dignity of the State shall be prevented. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That if any person, being a citizen or inhabitant of this State, shall send or cause to be sent, bring or cause to be brought into this State or

Any citizen or any inhabitant of this State, causing any armed soldier to be brought into the State, to be present at or within five miles of any voting place on any election day to be guilty of felony. shall aid, abet, procure, advise, counsel, or in any manner assist in sending or bringing into this State any armed soldier or soldiers to be present at any voting place in this State or within five miles thereof on the day of any general, special or other election hereafter to be holden in this State, or shall aid, abet, procure, advise, counsel, or in any manner assist the presence or attendance of any armed soldier or soldiers at any such voting place, or within five miles thereof on any such election day, every person so offending shall be guilty of felony, and upon conviction thereof by indictment, shall forfeit and pay to the State a fine of not less than one thousand dollars and not more than ten thousand dollars, and shall be imprisoned for a term not less than one nor more than five years, and shall forever thereafter be incapable of exercising the right of suffrage in this State.

Penalty.

Any citizen or any inhabitant of this State who shall abet or counsel military interference with the freedom of any election, guilty of felony. SECTION 2. *Be it further enacted as aforesaid,* That if any person, being a citizen or inhabitant of this State, shall aid, abet, procure, advise, counsel, or in any manner assist or be guilty of military interference in any manner with the freedom of any election in this State, every person so offending shall be guilty of felony, and upon conviction thereof by indictment, shall forfeit and pay to the State a fine of not less than one thousand dollars nor more than ten thousand dollars, and shall be imprisoned for a term not less than one nor more than five years, and shall forever thereafter be incapable of exercising the right of suffrage in this State.

Penalty.

Any Inspector or Judge of any election, or any other person administering to a voter any oath not recognized by the laws of this State as a condition of voting, guilty of misdemeanor. SECTION 3. *And be it further enacted as aforesaid,* That if any inspector, presiding officer, or judge of any election in this State, or any other person shall administer or cause to be administered to any legal voter in this State, any oath or affirmation not authorized by the constitution or laws of this State for that purpose, as a pre-requisite or condition of voting at any election in this State, except when such oath or affirmation shall be administered in order to satisfy such inspector, presiding officer or judge, that such vote is a legal vote according to the constitution and laws of this State, such inspector, presiding officer, judge or other person so offending shall be guilty of a misdemeanor, and upon conviction thereof by indictment, shall for every such offence forfeit and pay to the State a fine of not less than five hundred dollars and not more than one thousand dollars, and shall be imprisoned for a term of ten days.

Penalty.

Passed at Dover, March 25, 1863.

CHAPTER 327.

An Act for the payment of claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and is hereby authorized and directed to pay the following claims :*

To John Martin, for delivering returns of Governor's election, twenty-eight dollars and ten cents, in full to date. John Martin

To W. G. Whitely, for office fees and Sheriff's fees, fifty-three dollars and twenty-nine cents, in full to date. W. G. Whitely.

To Nehemiah Lofland, for water cooler, six dollars, in full to date. N. Lofland.

To William A. Atkinson, for sheriff's fees, three dollars and forty-seven cents, in full to date. W. A. Atkinson.

To S. B. Hitch, for copying lottery bonds, &c., seventy-five dollars, in full to date. S. B. Hitch.

To William Sharp, for attendance upon Court of Errors and Appeals, &c., twenty-five dollars and fifty cents, in full to date. W. Sharp.

To Edward Ridgely, for preparing for publication State Laws, passed at special sessions of 1861 and 1862, one hundred and seventy-five dollars, in full to date. E. Ridgely.

To James Kirk, for advertising, one hundred and six dollars and fifty-two cents, in full to date. J. Kirk.

To Francis Vincent, for advertising, twenty-five dollars and thirty-five cents, in full to date. F. Vincent.

To C. P. Johnson, for advertising, seventy-six dollars and thirty-three cents, in full to date. C. P. Johnson.

To Henry Eckel, for advertising, fifty dollars and thirty-one cents, in full to date. H. Eckel.

To L. Bancroft, for repairing ceiling of hall of Representatives, nine dollars, in full to date. L. Bancroft.

To John Wyatt, for cleaning and repairing furniture of Senate Chamber and hall of House of Representatives, fifteen dollars, in full to date. J. Wyatt.

To James W. Wise, for repairs in hall of House of Representatives, &c., twenty-five dollars, in full to date. J. W. Wise.

To Samuel C. Letherbury, for attendance and sundries for Court of Errors and Appeals, nineteen dollars and ninety-six cents, in full to date. S. C. Letherbury.

To A. T. Hall, for serving requisition on Governor of Pennsylvania, and delivering Thomas Arten in New Castle Jail, one hundred and two dollars, in full to date. A. T. Hall.

- P. Emerson.** To Pennel Emerson, for attendance &c., on Court of Errors and Appeals, ten dollars, in full to date.
- G. W. Vernon.** To George W. Vernon, for advertising, eighteen dollars, in full to date.
- I. Tunnell, Jr.** To Isaac Tunnell, Jr., for advertising, fourteen dollars and sixty-five cents, in full to date.
- Peninsular News.** To proprietor of the Peninsular News and Advertiser, for advertising, eight dollars, in full to date.
- J. Montgomery.** To James Montgomery, for advertising, fifteen dollars, in full to date.
- W. N. Hamilton.** To William N. Hamilton, for copy of report of finances of State, &c., twenty-five dollars, in full to date.
- J. L. Pratt.** To John L. Pratt, for superintending printing of Journal of Senate, one hundred and twenty-five dollars, in full to date.
- R. G. Cooper.** To Richard G. Cooper, for superintending the printing of the Journal of the House of Representatives, one hundred and seventy-five dollars, in full to date.
- E. P. Aldred.** To E. P. Aldred, for advertising, thirteen dollars, in full to date.
- W. B. Wiggins.** To William B. Wiggins, for engrossing resolution of thanks of the Senate and House of Representatives to (the then) Capt. DuPont, ten dollars, in full to date.
- F. Vincent.** To Francis Vincent, for advertising, four dollars, in full to date.
- R. D. Hoffecker.** To Robert D. Hoffecker, for advertising, eleven dollars and fifty cents, in full to date.
- J. M. Kerbin.** To James M. Kerbin, for ice, &c., thirty-one dollars and seventy-five cents, in full to date.
- J. Cowgill & Son.** To James Cowgill & Son, for improvement in Senate Chamber, lamps, stationery, &c., six hundred and twenty-two dollars and seventeen cents, in full to date.
- J. Kirk.** To James Kirk, for advertising, four dollars, in full to date.

Passed at Dover, March 25, 1863.

CHAPTER 328.

An Act to amend Chapter 55 of the Revised Code of the State of Delaware, entitled "For the protection of Fish, Oysters and Game." Revised Code 150.

SECTION 1. *Be it enacted by the Senate and House of Representatives of State of Delaware in General Assembly met,* That Sections Ten and Twelve of Chapter fifty-five of the Revised Code of the State of Delaware, entitled "For the protection of Fish, Oysters and Game," be and the same are hereby repealed. Sec. 10 & 12 repealed.

SECTION 2. *Be it further enacted,* That said Section Ten be and the same is hereby amended and supplied by and with the following, that is to say: Rev. Code 152.

SECTION 10. It shall be unlawful for any person not being a citizen of this State, to catch, take or kill, by himself or by his agent, or as the agent for or in the employment of any other person, whether such other person be or be not a citizen of this State, any fish, wild goose, wild duck or other wild fowl, upon any of the waters of this State, or upon any marsh or land bordering thereon, or to enter upon such waters, land or marsh for such unlawful purpose, and any person offending against the provisions of this Section, shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars and not more than one hundred dollars, and any boat or vessel, with her tackle, apparel and furniture, and any gun, decoy-geese or decoy-ducks, used with the consent or knowledge of the owner thereof, shall be forfeited and may be seized, condemned and sold as hereinafter provided. Sec. 10 of original act supplied.
Non-residents or agents prohibited from fishing or fowling.
Fine \$50 to \$100.
Boat forfeited.

But this Section shall not prohibit a citizen of this State nor any person, being a citizen thereof, regularly in his employment, from catching, taking or killing any such fish, or wild fowl, upon any of said waters or land and marsh.

It shall be the duty of any Justice of the Peace, upon affidavit made that a person has violated this Section, forthwith to issue his warrant, directed to the Sheriff, or in his absence, to any constable, commanding him to arrest the person so charged and to bring him forthwith before such Justice for trial. If upon such trial the said justice shall find that the person arrested has violated this Section, he shall thereupon fine such person in a sum not exceeding one hundred dollars and not less than fifty dollars, and shall commit him to the custody of said sheriff or constable, who made the arrest, until said fine Justice of Peace to issue warrant
Fine.

and costs are paid: Provided, that if the person so arrested shall, upon appearing before the justice, elect in writing, to be tried by a jury in the Court of General Sessions of the Peace and Jail Delivery and shall enter into a recognizance to the State of Delaware, with one or more sufficient sureties in the sum of two hundred dollars for his appearance at said court for trial, then and in that case the said justice shall have no further jurisdiction, and shall return the said affidavit, election and recognizance to the Clerk of the Peace in and for the County in which such offence is alleged to have been committed.

The said Clerk of the Peace shall on the first day of the Term of said court to which they are returned, deliver the said affidavit, election and recognizance to the Attorney General, who shall cause the person charged to be prosecuted as in other cases of misdemeanor.

The said recognizance shall be according to the form prescribed in Section 8 of Chapter 97 of the Revised Code, except that after the word "answer" in the ninth line of said form it shall be as follows: "a certain charge made in and by the affidavit of C. D., that he the said A. B., has violated Section Ten of Chapter fifty-five of the Revised Code of the State of Delaware, entitled "For the protection of fish, oysters and game," and shall not depart the Court without leave thereof; then this recognizance to be void, otherwise to be and remain in full force and virtue. Taken, signed and acknowledged before me, a Justice of the Peace for said county, the day of A. D. 18 ."

It shall be the duty of any Justice of the Peace upon affidavit made that a boat or vessel, gun, decoy-geese or decoy-ducks, is or are used or have been used in violation of the provisions of this Section forthwith to issue his warrant to the sheriff, or in his absence to any constable, commanding him to seize and detain such boat or vessel, and all guns and decoys used as aforesaid, for trial before said Justice; and if upon such trial the justice shall find that such boat, vessel, gun or decoys have been or are used with the consent or knowledge of the owner thereof, in violation of this Section, he shall thereupon issue his warrant to the sheriff or constable who seized such property, commanding him to sell the same at public auction, upon five days notice, posted at five several places in the county where said property is to be sold, and to divide the proceeds of such sale, after deducting costs and charges, equally among the captors and informers: Provided, that in case of the condemnation of such property, an appeal shall be allowed from the judgment of said justice, if applied for within ten days to the Court of General Sessions of the Peace and Jail

Defendant
may elect to
be tried by
Jury.

Recogni-
zance.

Return of
proceedings
to Clerk of
Peace.

Clerk to
hand over
to Attorney
General.

Form of re-
cognizance.

Justice to
issue war-
rant of sei-
zure of
boat, &c.

Trial.

If condemned
to be sold.

Notice.

Proceeds
how dis-
posed of.

Appeal from
condemna-
tion.

Delivery, on security being given by bond and sufficient surety, in the full value of the property condemned, conditioned to be void if such judgment shall be reversed by said court. Upon such appeal a jury trial shall be had on the issue whether the property seized has been used in violation of this Section; and if it be found in the affirmative, the Court shall affirm the judgment of the justice, otherwise such judgment shall be reversed, and the property seized shall be sold or released accordingly.

The Attorney General shall appear for the captors and defend the appeal.

The Sheriff or constable, in the execution of either or both of said warrants, may if necessary summon the posse-comitatus armed with fire-arms and ammunition, and may require the assistance of any other boat or vessel, on paying or tendering just compensation therefor. It shall not be necessary that either of the affidavits or warrants herein provided shall state the name of the person charged, nor of the boat or vessel, nor of the owner or owners of such boat or vessel or other property; such name or names may be inserted in the proceedings after the arrest or seizure. If any person shall resist or oppose the sheriff or constable, or other person in the execution of said warrant or warrants, or shall resist the lawful seizure of such boat, vessel or other property, such person shall be deemed guilty of a misdemeanor, and shall pay to the State a fine of one hundred dollars. The said sheriff or constable to whom such warrant is delivered for execution may execute the same in either county of this State, and if after due diligence the sheriff or constable cannot arrest the person charged as aforesaid, because of his absence from the State, he shall return said warrant or warrants to said justice with the endorsement "*non est inventus*" thereon, whereupon the said justice shall forthwith deliver the said affidavit and warrant to the Clerk of the Peace, for the county wherein such offence is charged to have been committed. It shall be the duty of the Attorney General to cause the person therein charged to be indicted, and with all others indicted under this Chapter who are out of the State, to be demanded and brought to trial. The sheriff or constable shall be entitled to five dollars per day, when the person charged shall be brought for trial and each person summoned by him and rendering him aid to one dollar per day, but if the person charged shall not appear before said justice, the said officer shall be entitled to two dollars per day, and the persons summoned and rendering him aid, to fifty cents per day each.

The Justice of the Peace shall be entitled to fifty cents for taking and filing said affidavit and issuing said warrant, and to

Trial by Jury.

Attorney General to appear for captors.

Officer may summon posse.

Non-requisites of affidavit or warrant.

Resistance to officer.

Penalty.

Officer may execute process in any county.

If offender cannot be found, process to be handed to Clerk of Peace.

Attorney General to indict and cause to be demanded.

Fees of officer and posse.

Justice fees.

one dollar for each trial and judgment under this Section, all which fees and costs shall be paid by the person convicted, or the property condemned and sold as aforesaid, or by the State in case of acquittal.

SECTION 8. *Be it further enacted,* That said Section Twelve of said Chapter fifty-five, be and the same is hereby amended and supplied by and with the following, that is to say:

SECTION 12. If any person not a citizen of this State, shall himself or by his agent, or by acting as the agent for or in the employment of another person, whether such other person be or be not a citizen of this State, kill any partridge, pheasant, robin or rabbit in this State, upon land not owned by himself, without license from the owner or occupant thereof, he shall forfeit and pay five dollars for each bird or rabbit so killed, and shall be liable as a trespasser.

It shall be the duty of any Justice of the Peace, upon information in writing to him that a person has violated, or is violating this Section, to issue his warrant directed to the sheriff or to any constable, commanding him to arrest such person and to bring him before said justice for trial. The said justice shall fine such person five dollars for each bird or rabbit killed by himself, or by his agent, or by another person for his use, in violation of this Section, and if such person shall fail or refuse to pay such fine and all costs immediately, the said justice shall forthwith commit him to the custody of the sheriff until the same are paid. If such person shall be in the possession of such bird or rabbit it shall be evidence of his killing the same, or that it was killed for his use, in violation of this Section, unless otherwise proved. The one half of said fine shall be paid to the State, and the other half to the informer.

The fee to the said justice for filing said information and issuing said warrant under this Section, shall be one dollar, and the fee to the sheriff or constable for executing said warrant, when the person charged shall appear for trial, shall be two dollars, otherwise it shall be fifty cents, to be paid by the person offending against this Section or by the State when not fined.

If any Justice of the Peace shall refuse or neglect to forthwith issue his warrant as directed in this Section and in Section Ten, as the same are herein amended and supplied, and if any sheriff or constable shall refuse or neglect to promptly execute such warrant, he shall be deemed guilty of a misdemeanor, and shall upon indictment and conviction be fined fifty dollars.

SECTION 4. *Be it further enacted,* That the Secretary of State ^{Sec. of State to republish Chap. 55.} be and he is hereby directed to cause the said Chapter fifty-five, to be republished as herein amended, and supplied, with the acts of this present General Assembly.

SECTION 5. *And be it further enacted,* That so much of Sec. ^{Repeal of so much of Sec. 1, Chap. 55, as is repugnant.} tion one of said Chapter fifty-five as is inconsistent with or repugnant to said Sections ten and twelve, as herein amended and supplied is hereby repealed.

Passed at Dover, March 10, 1863.

This act though purporting to be passed March 10, 1863, was not signed until June 10, 1863.

N. B. SMITHERS, *Sec. of State.*

CHAPTER 329.

REPUBLICATION.

CHAPTER 55, REVISED CODE, AS AMENDED.

For the Protection of Fish, Oysters and Game.

SECTION 1. It shall be unlawful for any person, not being a ⁹⁵³ citizen of this State, to catch, or take oysters, clams, or terrapins in the Delaware Bay, within the limits of this State, without having first obtained from the clerk of the peace of one of the counties, a license therefor, which license shall be granted on paying to said clerk, for the use of the State, fifty dollars, ^{Non-residents shall not catch oysters, etc. in the bay without license. Tax \$50.} and shall be in force for one year from its date, and shall be confined to one boat, or vessel, named therein: Provided, that ^{Province.} transient vessels may catch oysters, or clams, for their own immediate use.

If any master of a boat, or vessel, or other person, shall violate this Section, he shall be deemed guilty of a misdemeanor, and shall pay to the State a fine of fifty dollars; and the boat or vessel used in such violation of the law, with all her tackle, apparel and furniture, and all her implements for taking oysters, and all oysters, clams, or terrapins so taken, shall be forfeited and may be seized and detained for trial by any officer or person. ^{954 Penalty. \$50. Forfeiture.}

Such trial may be had before any justice of the peace, and if condemned, the property seized shall be sold by his order; ^{955 Trial.} and the proceeds, deducting costs and charges, be equally di-

Appeal. vided among the captors: Provided, that an appeal shall be allowed from the judgment of the justice, if applied for within ten days, to the court of General Sessions of the Peace and Jail Delivery, on security being given by bond, and sufficient surety, in the full value of the property condemned, conditioned to be void if such judgment shall be reversed by said court. Upon such appeal, a jury trial shall be had on the issue whether the boat or vessel seized has been used in violation of this chapter; and if it be found in the affirmative, the court shall affirm the judgment of the justice; otherwise such judgment shall be reversed, and the property seized shall, thereupon, be sold, or released, accordingly.

Sale.

956
Attorney
General's
duty.

957
Justice to
issue war-
rant for se-
zure.
The sheriff
may call out
the posse
with arms.

The attorney general shall appear for the captors and defend the appeal.

Any justice of the peace, shall upon affidavit made that a boat or vessel is violating this chapter, issue his warrant to the sheriff, commanding him to seize and detain such boat, or vessel. The sheriff may, if necessary, summon to his aid the *posse comitatus*, armed with fire arms and ammunition, and may require the assistance and use of any other boat, or vessel, on paying, or tendering, just compensation.

958

It shall not be necessary that the affidavit shall state the name of the vessel, or of her master; such names may be inserted in the proceedings after the seizure.

959

Pay

The sheriff shall be entitled to five dollars per day, and each person summoned by him and rendering him aid, to one dollar per day, to be paid out of any property seized and condemned, or, if not so paid, by the State.

960
Penalty for
resistance.

If any owner, master, or person belonging to, or on board of any boat or vessel, shall oppose, or resist the sheriff, or other person, in the execution of such warrant, or shall resist any lawful seizure of such boat, vessel, or other property, such person shall be deemed guilty of a misdemeanor, and shall pay to the State a fine of one hundred dollars. It shall be the duty of the attorney general to cause any person indicted under this chapter, and who is out of the State, to be demanded and brought to trial.

\$100.
Demand of
fugitive.

961.
Non-resi-
dents shall
not catch
oysters, etc.
in the creeks

SECTION 2: It shall be unlawful for any person, not being a citizen of this State, to catch or take oysters, clams, or terrapins, in any river, creek, or pond, within this State, and put them on board of any boat, or vessel, not wholly belonging to and owned by citizens of this State; and the violation of this section shall subject the party offending to the same forfeitures and penalties, to be prosecuted in the same way, as is provided in section 1, of this chapter.

Penalties.

SECTION 3. All oysters caught in any such river, creek or pond, shall be culled at the place where they are caught; and the young and refuse oysters there deposited, under penalty of forfeiting ten dollars for every violation of this section.

But no person shall cull oysters in Mispillion creek, above the upper end of the "broad reach," under penalty of five dollars.

SECTION 4. It shall be unlawful for any person to carry at any one time, in any vessel or boat, wagon, cart, or carriage, from any of the waters of this State, any quantity of oysters, or clams, exceeding twenty bushels, which have been caught in any river, creek, or pond thereof, under penalty of forfeiting twenty dollars.

SECTION 5. It shall be unlawful for any person to catch, or take oysters in any creek or pond in this State, between the first of May and the tenth of August in any year; or at any time to use a dredge in taking oysters in any such creek, or pond: or to export or carry from this State, for sale, any oysters taken or caught in any such creek, or pond; under penalty of forfeiting ten dollars. Any boat, or vessel, taking such oysters out of this State, shall be liable for the aforesaid penalty; and any boat, or vessel, using a dredge in any such creek or pond, shall be forfeited, together with her tackle, apparel and furniture, and may be seized, prosecuted and sold, as provided in section 1, with the same mode of proceeding, and under the same penalties.

SECTION 6. If any person shall sell more than five bushels of oysters, caught in Mispillion creek, to any one, with intent that they shall be taken out of this State, such person shall forfeit and pay twenty dollars.

SECTION 7. Any citizen of this State may appropriate to his own use a part, not exceeding one acre, of the bottom of any of the streams or waters of this State, for planting oysters; and, having marked the same by stakes, or other visible boundaries, and planted oysters therein, it shall be unlawful for any other person to catch, or take the oysters therein growing, under penalty of forfeiting twenty dollars to the owner of such plantation. But no place shall be so appropriated where oysters are already growing, or so as to impede navigation; nor shall more than forty feet square of Lewes creek, opposite Lewes, be appropriated by any person. Section 4 of this chapter shall not apply to oysters so planted.

962
Oysters to be culled where caught. Penalty \$10.

963
Exception.

964
No more than twenty bushels to be taken off at once. Penalty \$20.

965
Penalty for catching oysters out of season, or with a dredge, or for exporting oysters for sale. \$10. Vessels liable.

Forfeiture of vessel for dredging.

966
Penalty for selling more than five bushels. Mispillion oysters to be exported. \$20.

967
Planting oysters. Private grounds. Penalty for trespassing upon \$20.

Exceptions.

968
Non-resi-
dents not to
lay out or
bed oysters.
Penalty \$20.
Forfeiture.

SECTION 8. It shall be unlawful for any person, not a citizen of this State, to lay out, or bed oysters in any of the waters of this State, or on the flats, shore, or banks of any river, or creek thereof, for any purpose whatever, under penalty of forfeiting twenty dollars; and any oysters, so laid out, or bedded shall be forfeited, and may be lawfully taken and carried away by any person whatever.

969
Penalty for
taking ter-
rapin eggs.

\$10.

SECTION 9. No person shall take, or destroy any terrapin eggs found, or collected, on or near the shore of any bay, river, or stream in this State, where the water is salt, or upon any salt marsh, or beach, under penalty of forfeiting ten dollars; and any one having possession of such eggs, shall be deemed to have taken them there, unless he proves the contrary.

Game, wild fowl, &c.

Sec. 10 of
original act
supplied.

Non-resi-
dents or
agents pro-
hibited from
fishing or
fowling.

Fine \$50 to
\$100.

Boat forfeit-
ed.

SECTION 10. It shall be unlawful for any person not being a citizen of this State, to catch, take or kill, by himself or by his agent, or as the agent for or in the employment of any other person, whether such other person be or be not a citizen of this State, any fish, wild goose, wild duck, or other wild fowl upon any of the waters of this State, or upon any marsh or land bordering thereon, or to enter upon such waters, land or marsh for such unlawful purpose, and any person offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars and not more than one hundred dollars, and any boat or vessel with her tackle, apparel and furniture, and any gun, decoy-geese, or decoy-ducks, used with the consent or knowledge of the owner thereof, shall be forfeited, and may be seized, condemned and sold as hereinafter provided.

But this Section shall not prohibit a citizen of this State, nor any person, being a citizen thereof, regularly in his employment, from catching, taking or killing any such fish, or wild fowl, upon any of said waters or land and marsh.

Justice of
Peace to is-
sue warrant

Fine.

It shall be the duty of any Justice of the Peace, upon affidavit made that a person has violated this Section, forthwith to issue his warrant directed to the sheriff, or in his absence to any constable, commanding him to arrest the person so charged and to bring him forthwith before such justice for trial. If upon such trial the said justice shall find that the person arrested has violated this Section, he shall thereupon fine such person in a sum not exceeding one hundred dollars, and not less than fifty dollars, and shall commit him to the custody of said sheriff or constable, who made the arrest, until said fine and costs are paid: Provided, that if the person so arrested shall, upon ap-

pearing before the justice, elect in writing, to be tried by a jury in the Court of General Sessions of the Peace and Jail Delivery and shall enter into a recognizance to the State of Delaware, with one or more sufficient sureties in the sum of two hundred dollars for his appearance at said court for trial, then and in that case the said justice shall have no further jurisdiction, and shall return the said affidavit, election and recognizance to the Clerk of the Peace in and for the County in which such offence is alleged to have been committed.

Defendant
may elect to
be tried by
Jury.

Recogni-
zance.

Return of
proceedings
to Clerk of
Peace.

The said Clerk of the Peace shall on the first day of the Term of said court to which they are returned, deliver the said affidavit, election and recognizance to the Attorney General, who shall cause the person charged to be prosecuted as in other cases of misdemeanor.

Clerk to
hand over
to Attorney
General.

The said recognizance shall be according to the form prescribed in Section 8 of Chapter 97 of the Revised Code, except that after the word "answer" in the ninth line of said form it shall be as follows: "a certain charge made in and by the affidavit of C. D., that he the said A. B., has violated Section Ten of Chapter fifty-five of the Revised Code of the State of Delaware, entitled "For the protection of fish, oysters and game," and shall not depart the Court without leave thereof; then this recognizance to be void, otherwise to be and remain in full force and virtue. Taken, signed and acknowledged before me, a Justice of the Peace for said county, the day of A. D. 18 ."

Form of re-
cognizance.

It shall be the duty of any Justice of the Peace upon affidavit made that a boat or vessel, gun, decoy-geese or decoy-ducks, is or are used or have been used in violation of the provisions of this Section forthwith to issue his warrant to the sheriff, or in his absence to any constable, commanding him to seize and detain such boat or vessel, and all guns and decoys used as aforesaid, for trial before said Justice; and if upon such trial the justice shall find that such boat, vessel, gun or decoys have been or are used with the consent or knowledge of the owner thereof, in violation of this Section, he shall thereupon issue his warrant to the sheriff or constable who seized such property, commanding him to sell the same at public auction, upon five days notice, posted at five several places in the county where said property is to be sold, and to divide the proceeds of such sale, after deducting costs and charges, equally among the captors and informers: Provided, that in case of the condemnation of such property, an appeal shall be allowed from the judgment of said justice, if applied for within ten days to the Court of General Sessions of the Peace and Jail Delivery, on security being given by bond and sufficient

Justice to
issue war-
rant of sei-
zure of
boat, &c.

Trial.

If condemn-
ed to be sold

Notice.

Proceeds
how dis-
posed of.

Appeal from
condemna-
tion.

Trial by
Jury.

surety, in the full value of the property condemned, conditioned to be void if such judgment shall be reversed by said court. Upon such appeal a jury trial shall be had on the issue whether the property seized has been used in violation of this Section; and if it be found in the affirmative, the Court shall affirm the judgment of the justice, otherwise such judgment shall be reversed, and the property seized shall be sold or released accordingly.

Attorney
General to
appear for
captors.

The Attorney General shall appear for the captors and defend the appeal.

Officer may
summon
posse.

Non-requi-
sites of
affidavit or
warrant.

Resistance
to officer.

Penalty.

Officer may
execute pro-
cess in any
county.

If offender
cannot be
found, pro-
cess to be
handed to
Clerk of
Peace.

Attorney
General to
indict and
cause to be
demanded.

Fees of of-
ficer and
posse.

The Sheriff or constable, in the execution of either or both of said warrants, may if necessary summon the posse-comitatus armed with fire-arms and ammunition, and may require the assistance of any other boat or vessel, on paying or tendering just compensation therefor. It shall not be necessary that either of the affidavits or warrants herein provided shall state the name of the person charged, nor of the boat or vessel, nor of the owner or owners of such boat or vessel or other property; such name or names may be inserted in the proceedings after the arrest or seizure. If any person shall resist or oppose the sheriff or constable, or other person in the execution of said warrant or warrants, or shall resist the lawful seizure of such boat, vessel or other property, such person shall be deemed guilty of a misdemeanor, and shall pay to the State a fine of one hundred dollars. The said sheriff or constable to whom such warrant is delivered for execution may execute the same in either county of this State, and if after due diligence the sheriff or constable cannot arrest the person charged as aforesaid, because of his absence from the State, he shall return said warrant or warrants to said justice with the endorsement "*non est inventus*" thereon, whereupon the said justice shall forthwith deliver the said affidavit and warrant to the Clerk of the Peace, for the county wherein such offence is charged to have been committed. It shall be the duty of the Attorney General to cause the person therein charged to be indicted, and with all others indicted under this Chapter who are out of the State, to be demanded and brought to trial. The sheriff or constable shall be entitled to five dollars per day, when the person charged shall be brought for trial and each person summoned by him and rendering him aid to one dollar per day, but if the person charged shall not appear before said justice, the said officer shall be entitled to two dollars per day, and the persons summoned and rendering him aid, to fifty cents per day each.

The Justice of the Peace shall be entitled to fifty cents for taking and filing said affidavit and issuing said warrant, and to one dollar for each trial and judgment under this Section, all

Justice fees.

which fees and costs shall be paid by the person convicted, or the property condemned and sold as aforesaid, or by the State in case of acquittal.

SECTION 11. No person shall kill, take or destroy, in either of the counties of Kent or Sussex, any partridge, pheasant, robin, or rabbit, between the first of February and fifteenth of October, nor in the county of New Castle between the first day of January and the fifteenth of October, nor any woodcock, in either of the said counties, between the first of February and the first of July, in any year, under penalty of forfeiting, for every one so killed, or taken, one dollar; and every person having such game in possession, shall be deemed to have taken, or killed it, unless he proves the contrary: 971
Penalty for killing game out of season. Provided, that this section shall not prohibit any person from killing game on his own land at any time. Proviso.

SECTION 12. If any person not a citizen of this State, shall himself or by his agent, or by acting as the agent for or in the employment of another person, whether such other person be or be not a citizen of this State, kill any partridge, pheasant, robin or rabbit in this State, upon land not owned by himself, without license from the owner or occupant thereof, he shall forfeit and pay five dollars for each bird or rabbit so killed, and shall be liable as a trespasser. 972
Killing certain game prohibited.

It shall be the duty of any Justice of the Peace, upon information in writing to him that a person has violated, or is violating this Section, to issue his warrant directed to the sheriff or to any constable, commanding him to arrest such person and to bring him before said justice for trial. The said justice shall fine such person five dollars for each bird or rabbit killed by himself, or by his agent, or by another person for his use, in violation of this Section, and if such person shall fail or refuse to pay such fine and all costs immediately, the said justice shall forthwith commit him to the custody of the sheriff until the same are paid. If such person shall be in the possession of such bird or rabbit it shall be evidence of his killing the same, or that it was killed for his use, in violation of this Section, unless otherwise proved. The one-half of said fine shall be paid to the State, and the other half to the informer. Penalty.

The fee to the said justice for filing said information and issuing said warrant under this Section, shall be one dollar, and the fee to the sheriff or constable for executing said warrant, when the person charged shall appear for trial, shall be two dollars, otherwise it shall be fifty cents, to be paid by the person offending against this Section or by the State when not fined. Justice to issue warrant. Fine. Possession evidence of guilt unless rebutted. Fees.

Penalty for neglect of officers to perform their duty.

If any Justice of the Peace shall refuse or neglect to forthwith issue his warrant as directed in this Section and in Section Ten, as the same are herein amended and supplied, and if any sheriff or constable shall refuse or neglect to promptly execute such warrant, he shall be deemed guilty of a misdemeanor, and shall upon indictment and conviction be fined fifty dollars.

973
Bounty for killing crows.

SECTION 13. To encourage the destruction of crows, the collector of any hundred shall pay four cents for each crow killed in his county in any year, upon production and delivery of the scalp, and an affidavit that such crow was killed within said county, as aforesaid; and such payments shall be allowed by the levy court on production of such affidavit, and a receipt for the sum paid.

974
Penalty for chasing deer.

SECTION 14. It shall be unlawful for any person to shoot, kill, or chase any wild deer within this State, under penalty of forfeiting ten dollars.

Fish.

975
Gill-nets in the bay; restriction.

Penalty.

Exceptions.

SECTION 15. No person shall float or set any gill-seine, or net, for shad, or herring, in the Delaware bay within this State, nearer than one mile from the mouth of any creek, under penalty of forfeiting fifty dollars; and the justice rendering judgment for such penalty, shall issue his warrant to a constable to remove and destroy such seine, or net; but the provisions of this section shall not apply to St. Jones' and Murderkill creeks, except so far as to prohibit gill-seines, or nets, within one quarter of a mile of the mouth of either stream.

976
Gill-nets; Indian river; Rehoboth bay.

977
Wears, &c., Indian river.

978
Penalty.

SECTION 16. No person shall place, use, or keep any gill-net or seine, across the channel of Indian river, or Rehoboth bay.

Any inhabitant of Sussex county may make, or have wears, hedges, or gill-seines in Indian river, above the mouth of Pepper's creek, if he leave a clear passage, or space, twenty rods wide in the channel or deepest part of the river; but no wear shall be placed in said river above the "ferry" so as to injure the navigation, nor nearer than twenty rods to another wear, nor so as to leave less than forty feet wide of the channel, or deepest part of the river, unobstructed, and all such wears shall be taken up entirely, in the month of May of each year.

If any person shall violate any provision of this section, he shall forfeit and pay twenty dollars; and the justice rendering judgment for such penalty, shall issue his warrant to a constable to remove and destroy any net, seine, or wear, set contrary to this section.

SECTION 17. It shall be unlawful to set or make any wear, or net, from one side to the other of the channel of any creek, or river, within this State, or on the south side of Lewes creek, under penalty of forfeiting ten dollars; and such wear or net may be lawfully destroyed. But this section does not apply to wears in mill-ponds, or races, nor to any wear made by a person on his own land and so as not to injure others.

SECTION 18. It shall be unlawful for any person to stretch a gill-seine across the channel of Duck creek, or to disturb the waters of said creek below "Holding's mill," or in the "Thoroughfare," for the purpose of driving fish into a seine, net, or wear, under penalty of forfeiting ten dollars; and any person may destroy any gill-seine, set contrary to this section.

SECTION 19. If any person shall make, have, or use any wear, hedge, or gill-seine in St. Jones' creek, or river, he shall forfeit and pay ten dollars; and it shall be lawful for any one to destroy any such wear, hedge, or gill-seine.

Upon complaint made to any justice of the peace, under oath, the justice shall issue his warrant to a constable, directing him to remove and destroy, any wear, hedge, or gill-seine, illegally placed in said creek or river.

SECTION 20. Wears and fikes for taking fish, may be placed in Spring creek, above the Frederica bridge, under the direction of a justice of the peace; but they shall not extend further than half across the channel, nor within three hundred yards of each other, nor be in any way concealed, nor be within three hundred yards of any bend of the creek, nor remain down longer than four months in a year, and when taken up, the owner shall clear the bottom of the creek at the place they stood, under penalty in either case of forfeiting twenty dollars.

SECTION 21. No person shall make or have any hedge in Murderkill or Mispillion creek, or shall disturb the waters thereof, or of Broadkill creek, for the purpose of driving fish into any net, seine, or wear, under penalty of forfeiting ten dollars.

SECTION 22. Wears, gill-nets and seines may be placed in any part of Love's creek, in Sussex county; but they shall not extend more than half way across the creek, nor within twenty feet of the opposite side, nor within one hundred yards of each other, under penalty, in either case, of forfeiting five dollars; and the justice rendering judgment for such penalty, shall issue his warrant to a constable to remove and destroy such wear,

gill-net, or seine; and it shall be lawful for any one to destroy such wear, net, or seine.

986
Appropriation
of
penalties.

SECTION 23. All penalties and forfeitures, incurred under this chapter shall, if not otherwise herein appropriated, belong to the informer, and be for the use of any one who will sue for the same in his own name; and the same shall be recoverable before any justice of the peace, if under one hundred dollars.

CHAPTER 330.

Joint Resolution referring so much of Governor's Message as refers to the interference of troops with the elections.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That so much of the Governor's Message as refers to the interference by troops in the service of the United States, with the elections in this State, on the 4th day of November last, be referred to a committee of three members on the part of the Senate, and five members on the part of the House of Representatives, and that said committee have power to send for persons and papers, and leave to report by bill or otherwise.

Adopted at Dover, January 8, 1863.

CHAPTER 331.

Joint Resolution authorizing the Joint Committee on Military interference, to employ a Clerk.

Joint Com-
mittee au-
thorized to
employ a
clerk.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the joint committee to whom was referred that part of the Governor's Message in relation to military interference with the election held on the 4th of November, 1862, be authorized to employ a clerk, and to report to the General Assembly, a reasonable compensation for his services.

Adopted at Dover, January 8, 1863.

CHAPTER 332.

Joint Resolution for the removal of J. S. Wheeler.

Whereas, it is represented to this General Assembly by the ^{Preamble.} affidavits of sundry citizens of this State, resident in White Clay Creek Hundred, in New Castle County, that one Joseph S. Wheeler, a Justice of the Peace in and for said Hundred, has not for some time, and is not now discharging the duties of said office, but has left the State without resigning said office, and that the records of said Justice of the Peace are now in the custody of his wife, and inaccessible to the public, by reason whereof many persons interested in said records are subject to inconvenience and loss. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Governor of this State be, and he is hereby addressed and requested by both houses of the Legislature of the State, to remove Joseph S. Wheeler, a Justice of the Peace of the State of Delaware, in and for the Hundred of White Clay Creek, in New Castle County, from the office of Justice of the Peace aforesaid, and that a copy of this resolution duly enrolled and signed by the Speakers of the two houses of the Legislature respectively, be communicated by the Speaker of the Senate to the Governor. ^{Removal of J. S. Wheeler, recommended.}

Adopted at Dover, January 15, 1863.

CHAPTER 333.

Joint Resolutions authorizing the Speakers of the two houses to issue Subpoenas for Witnesses to appear before the Joint Committee on Military interference, &c.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Speaker of the Senate and Speaker of the House of Representatives jointly be and they are hereby authorized to issue subpoenas for witnesses to appear before the joint committee of the two houses, on so much of the ^{Speakers authorized to issue Subpoenas.}

Governor's Message, as relates to the interference by troops in the service of the United States, with the late elections, and that said subpoenas be directed to John S. Jester, who has been appointed by said joint committee to be sergeant at arms thereof.

Chairman to
administer
oaths.

And be it further resolved by the authority aforesaid, That the chairman of the joint committee aforesaid, be and he is hereby authorized to administer the proper oath or affirmation to all witnesses who may appear before said committee.

Adopted at Dover, January 23, 1863.

CHAPTER 334.

Joint Resolution appointing State Treasurer.

L. E. Jacobs
State Treas-
urer.

Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate.) That Loxley R. Jacobs be, and he is hereby appointed State Treasurer.

Adopted at Dover, January 28, 1863.

CHAPTER 335.

Joint Resolution appointing Auditor of Accounts.

A. J. Calley
Auditor of
Accounts.

Resolved by the House of Representatives, of the State of Delaware, (By and with the concurrence of the Senate.) That Andrew J. Calley be, and he is hereby appointed Auditor of Accounts.

Adopted at Dover, January 28, 1863.

CHAPTER 336.

Joint Resolutions on Federal Relations.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

1. That this General Assembly and a large majority of the people of Delaware ardently desire a restoration of the Federal Union upon its original basis; that they will aid in the accomplishment of that result by proper and constitutional means, and with a sacred regard for the rights of all the States, and the people of all the States, but are unwilling that the Federal compact should be violated by those who administer the functions of government.

Restoration of Federal Union desirable.

2. That the American Union was formed with great difficulty, and on the part of some of the States with serious misgivings and distrusts upon the subject of Federal power, and but for the incorporation in the Constitution of provisions to protect the persons and property of the citizen, and his right to free expression of opinion, written and oral, with the understanding afterward expressed by amendment, that the powers not granted to the Federal government by the Constitution, nor prohibited to the States, were reserved to the States respectively, or to the people, that instrument never would have been made.

American Union formed with great difficulty.

3. That under the plea of taking necessary steps to put down the rebellion, but really to tyrannize over political adversaries, citizens of this State, as well as of other States, have been seized upon arbitrary edict and imprisoned in forts and camps, without being informed of the nature of the accusation against them, and finally discharged without trial or the semblance of one, and all this upon claim of authority from the Federal Government, an outrage upon the rights of the persons arrested, an invasion of the rights of every other citizen, and a reproach to free government; that under the same pretence freedom of speech and of the press have become idle words, as if upon them did not rest the corner-stone of the fabric of our free institutions; that these monstrous usurpations of power are not rebuked by Congress, but tolerated because of the declaration that they are necessary to put down the rebellion. Such declaration is utterly false, but if it were true, regarding as we do the preservation of civil liberty, paramount to every other consideration, we unhesitatingly declare that the end proposed to be attained is not worth the sacrifice required.

Citizens have been imprisoned and discharged without trial.

These assumptions of power tolerated by Congress under the plea of necessity to suppress rebellion.

Plea false, but if true, the end proposed, not worth the sacrifice.

4. That viewing the numerous violations of the Constitution of the United States by the Federal Executive, as tending

Intent of War declared to be the emancipation of Slaves, and the subjugation of the Southern States.

The General Assembly can give no aid to a war for such purposes.

to destroy the liberties of the people and the rights of the States, and the evident intent to carry on the present war for the emancipation of slaves and the subjugation of the Southern States, either of which if successful, would in the opinion of this General Assembly, involve the whole country in irretrievable ruin, and prevent forever a restoration of the Union; we therefore declare under a solemn sense of the oath we have taken to support the Constitution of the United States, the Constitution of the State of Delaware, and perform our duties as members of this General Assembly with fidelity, that we can give no aid or countenance to a war for such purposes.

5. That this General Assembly and a large majority of the people of Delaware, will in all respects faithfully support the Constitution of the United States, that they recognise no fealty or allegiance to any public authority or power other than their own State government and the government of the United States; to their own State government within the sphere of its reserved rights; to the government of the United States within the limits of its delegated authority; that every infraction of the rights of the States, and every breach of the Constitution of the United States, is an unwarrantable assumption of power, and that the claim of right to violate either on the plea of military necessity, is an artful device by persons in authority for the subversion of our form of government and the establishment of another in its stead.

This war ought never to have been made.

6. That in the opinion of this General Assembly and a majority of the people of the State, this war ought never to have been made; that it is the result of wickedness on both sides, a perversely obstinate adherence to a fanatical party platform by the administration at Washington, which was seized upon by the people of the States in revolt, and made the pretext for a resort to arms, which might and should have been averted by the adoption of the recommendations of the Peace Conference or taking the sense of the people on certain propositions of constitutional amendment known as the Crittenden Compromise; that its prosecution for nearly two years has resulted in no good but in immense loss of treasure and life, and has intensified the feeling of hostility and rendered our questions of difference vastly more complicated and difficult of adjustment.

Its prosecution has resulted in no good.

7. That in the judgment of this Legislature and a large majority of the people of Delaware, the time has arrived for making an effort other than by arms to end this dreadful war: that such effort should be made through the agency of an armistice or cessation of hostilities, and the appointment of delegates from all the States to a National Convention to devise and mature a plan for the settlement of our difficulties,

Armistice and convention recommended.

which whilst it secures the integrity of the Union shall place the slavery question beyond the reach of fanatical agitators and unreasonable propagandists, and re-establish our Federal Union, by the exercise of generous, magnanimous sentiments, upon a basis as enduring as the continent on which we live.

8. That we are ready to co-operate with the Legislatures of the other States in creating such Convention, by the appointment of delegates, and that this Legislature will not adjourn *sine die* whilst the hope of such Convention remains. Legislature will not adjourn sine die.

9. That we do most emphatically condemn, and in the name and on behalf of the people of Delaware, protest against the proclamation of Emancipation issued by the President on the first instant, as a flagrant attempt to exercise absolute power under the plea of military necessity; that neither as President nor as Commander-in-chief of the Army and Navy, does any such power as the Proclamation asserts reside with the Chief Executive nor is it lodged elsewhere. Slavery is a legal relation in many of the States and was so in all of them except one, when the Constitution of the United States was formed, and property in slaves is as much the subject of Constitutional protection as property in houses and lands. Just so far in the course of actual military operations as it may be necessary to seize private property for public uses, the Commander-in-chief has power in that character to make such seizure, but just so soon as the necessity for the use of such property ceases, it remits absolutely to its owner at the time of the seizure. Viewing the foregoing as sound propositions of law, we regard the Proclamation aforesaid as powerless to abolish slavery, but as pregnant with mischief to the cause of the Union, and an outrage to our fellow-citizens of the other slave States. The assumption that the President of the United States can, by proclamation, abolish the relation of master and slave, and deprive the former of property, amounting under its intended operation, to thousands of millions of dollars, is too monstrous to be honestly entertained by a mind unbiassed by prejudice or fanaticism. Emancipation proclamation condemned. Slavery the subject of constitutional protection. Definition of rights of seizure.

10. That this Legislature and a large majority of the people of this State condemn, as gross violations of the Federal Constitution the attempt on the part of the Executive, to control the popular branch of Congress by fraudulent military elections of Representatives, the appointment of military Governors and the division of a sovereign State, without the consent of its people.

11. That the power to suspend the writ of Habeas Corpus, is confided to Congress alone, and can only be rightfully exercised when in cases of rebellion or invasion the public safety may require it. The attempt, therefore, on the part of the Habeas Corpus.

Federal Executive to suspend the Habeas Corpus under any circumstances, is an unwarrantable assumption of power, and especially does the Proclamation of September twenty-fourth, eighteen hundred and sixty-two, declaring "the great writ of right" suspended in certain cases, in States not in rebellion, disregard and attempt to overthrow the plain provisions of the Constitution for the protection of the liberties of the people, and will, in the opinion of this General Assembly, if persevered in by the Executive and submitted to by the people, end in the subversion of our Republican form of government.

Troops.

12. That the invasion of this State by troops in the service of the United States, on the fourth day of November last, being the day of our General Election, was an indignity offered by the Federal Administration to the sovereignty of Delaware and an insult to her citizens; that the stationing of armed soldiers at the polls on the day aforesaid, was a gross outrage upon the elective franchise and an assault upon free government; that this wicked and premeditated attempt to force by intimidation, a concurrence of public sentiment with the views and wishes of the Administration at Washington, was alike violative of the dearest rights of the people and dangerous to our free institutions, and was viewed by the honest people of the State and is regarded by this Legislature with indignation and alarm; we, therefore, the representatives of a law-abiding but gallant constituency, do, in their name, and on their behalf, solemnly protest against this uncalled-for and wicked outrage.

Vigilance
recom-
mended.

13. That "eternal vigilance is the price of liberty," and that at a time like the present it behooves the people of every section of our common country to scrutinize the action of the present Federal Administration, "the history of which has been a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States."

Copies to
Governors,
&c.

14. That a copy of the foregoing, signed by the Speakers of the two houses and attested by the Clerks, be sent to the Governors of all the States in the Federal Union, with the request that they be laid before their respective Legislatures, and also that a copy authenticated in like manner be forwarded to each of our Senators in Congress and to some member of the Federal House of Representatives, with the request that they be laid before their respective houses.

Adopted at Dover, January 29, 1863.

CHAPTER 387.

Joint Resolution appointing Bank Directors.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the following persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware on the part of the State, agreeably to the Act of the General Assembly in such case made and provided:—For the principal Bank, at Dover, Edward Ridgely, John W. Hall and Thomas H. Denney; for the branch at Wilmington, J. Morton Poole, James Bradford and Robert R. Robinson; for the branch at New Castle, James Truss, Dr. John Merritt and A. C. Nowland; and for the branch at Georgetown, James Ponder, John Turpin Moore and William D. Waples.

Bank directors appointed.

Adopted at Dover, February 12, 1868.

CHAPTER 388.

Joint Resolution authorizing a payment to Committee of School District No. 89 in Kent County.

Whereas, The Trustee of the School Fund, in consequence of not having received from the late Clerk of the Peace in and for Kent County, the certificate required by law, of a new School District in said county being School District No. 89, failed to distribute to said School District the proportion of the school fund to which said School District was entitled, without any default on the part of the school committee of said district: Therefore,

Preamble.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Loxley R. Jacobs, Trustee of the School Fund, be, and he is hereby authorized and required, to pay to the school committee of School District No. 89 in Kent County aforesaid, the sum of one hundred and four dollars and thirty-four cents, the amount to which said School District was entitled in the last distribution of the

Trustees of school fund authorized to pay to committee of school district No. 89, in Kent county.

School Fund among the School Districts of said county, and to deduct the said amount out of the School Fund applicable to said county.

Adopted at Dover, February 17, 1863.

CHAPTER 339.

Joint Resolution authorizing the printing of the Report of a Committee.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the joint-committee of the two houses on so much of the Governor's Message as refers to military interference with the election on the 4th of November last, be authorized to have printed for the use of the two houses 3000 copies of their Journal and Report, under the supervision of their clerk, John O. Slay, Esq.

3000 copies
of report or-
dered to be
printed.

Adopted at Dover, February 19, 1863.

CHAPTER 340.

Joint Resolution for the relief of Abraham Cannon, Esquire.

Preamble

Whereas, It is represented to the General Assembly that an error has inadvertently been made in the settlement of the account of Abraham Cannon, Esquire, late Sheriff of New Castle County, whereby the said Cannon stands charged with a greater sum than is justly due from him to the State,

Auditor of
Accounts
authorized
to re-examine.
See.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Auditor of Accounts be, and he is hereby authorized and directed to re-examine and adjust the accounts of the said Abraham Cannon, Sheriff, as aforesaid, according to the truth of the matter, and to certify the same to the State Treasurer, who is hereby directed to settle and discharge the same.

Adopted at Dover, February 20, 1863.

CHAPTER 341.

Joint Resolution condemning certain portions of the Inaugural Address of Governor Cannon.

Whereas, The Government of the United States and of the several States are governments of laws, within the limits of which all officials find their rightful powers, and outside of which no official has any just claim to power or to obedience from his fellow-citizens: and whereas, William Cannon, the Governor of this State, in his inaugural address has avowed the false and dangerous doctrine that "reasonable ground of suspicion" can justify the arbitrary arrest and incarceration in prisons far removed from the district of their residence, of citizens against whom no warrant has been issued or charge made according to law, and has unblushingly published his approval of these cruel and lawless arrests of his own fellow-citizens; and, whereas, he has thus proved himself by this avowal, the weak, but willing tool of Federal usurpation, and a Governor unworthy the respect and confidence of his fellow-citizens, one to whom they can look for no just protection of their rights of person and of property, Therefore,

Be it resolved, That the doctrines of Governor Cannon's address in regard to arbitrary and lawless arrests are, if carried out, fatal to constitutional liberty, destructive of the peace and security of our people and deserve, and hereby receive at the hands of the Legislature of Delaware, prompt and indignant repudiation, and are declared worthy of the severest reprehension of a people who inherited the privileges of freemen, and wish to preserve them unimpaired.

*Legislature
repudiates
certain doc-
trines of
Gov. Can-
non.*

Adopted at Dover, February 26, 1863.

CHAPTER 342.

Joint Resolution providing for the contingent expenses of the Secretary of State.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met: That the State Treasurer be

and he is hereby directed to pay to the Secretary of State the sum of three hundred dollars, to be by him applied to the payment of the contingent expenses of his office for the current year and the year next ensuing, an account of which shall be submitted to the General Assembly at the next biennial session.

Contingent
expenses of
Sec. of State.

Adopted at Dover, March 3, 1863.

CHAPTER 343.

Joint resolution providing for payment of certain witnesses.

State Treas-
urer to pay
witnesses
before com-
mittee.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the State Treasurer be and he is hereby authorized and required to pay to the witnesses who have been or may be called before the joint committee, to whom was referred so much of the Governor's Message, as refers to the interference by troops in the service of the United States with the elections in this State, on the 4th day of November last, upon orders signed by the Speaker of the Senate and attested by John O. Slay, Clerk of said committee, out of any monies in the hands of the State Treasurer not otherwise appropriated. The fees of such witnesses to be the same as fees to witnesses summoned to give evidence before the Superior Court.

Fees.

Adopted at Dover, March 11, 1863.

CHAPTER 344.

Joint resolution appointing O. P. Wetherby to take charge of Library.

Preamble.

Whereas, The small compensation heretofore allowed to the Superintendent of the State Library has not been sufficient to warrant him in devoting such time and attention to said Library as is absolutely necessary, in order to enforce the

rules for the safe-keeping and preservation of the books thereof, by reason whereof very many, if not by far the greater proportion of said books have been taken from their proper place of deposit, and either lost or appropriated to the use of private individuals, to such an extent in fact that a complete set of the elementary works or of any of the reports can scarcely be found there; and whereas, in its present condition the said Library fails in a great measure to answer the purposes for which it was established and is intended, and is rapidly becoming, and unless some change be made in the system of managing the same, must soon become entirely useless for any purpose whatsoever, and unless the books missing as aforesaid be soon recovered, they must be lost forever, and the Library remain in an entirely useless condition as aforesaid, or be restored to a creditable and useful condition, by replacing the books so missing at an enormous cost to the State; and whereas, this General Assembly has been recommended to appoint some suitable and competent person with a fair and reasonable compensation, to search for and collect the books missing from said Library, and to place them in proper order on the shelves, and thereafter to exercise such care and control over the same, as may be necessary to keep in their proper places and order, all books belonging to said Library, and generally to enforce such rules as may be made for the safe keeping of the same: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Charles P. Wetherby be, and he is hereby appointed, authorized and directed to search throughout this State for any and all books missing from the State Library, and to take the same wherever found and place and deposit them in proper order on the shelves prepared for that purpose in the State Library Room. When the books shall have been so collected and deposited, he shall make out two catalogues or lists of all books and papers in the said Library, one of which catalogues shall be placed and kept in the Library Room for the inspection of persons visiting said Library, and the other of which he shall retain in his own custody and possession for the safe keeping thereof, to be used by him in his weekly inspection of the Library as hereafter provided. He is also authorized and directed to have printed at the expense of the State, a proper and sufficient number of labels, with the words "Delaware State Library" thereon, one of which said labels he shall paste on the outside and another on the inside of the cover of each book, and shall enter on each of said labels, the number corresponding with

C. P. Wetherby directed to collect the books.

Catalogues.

Labels.

the number of such book in the catalogues to be made out as aforesaid.

For the performance of the duties and services in this resolution mentioned, the said Charles P. Wetherby shall receive as compensation, the sum of one hundred dollars, for which he is hereby authorized to draw upon the State Treasurer on the completion of the same.

Compensation.

Appointed
superintendent
of library.

Books and
papers of
Sen and H.
of Rep.

List of
books.

Copy to
Sec. of
State.

Inspection
of library
weekly.

Arrange the
papers of the
Legislature.

Compensation.

Be it further resolved by the authority aforesaid, That the said Charles P. Wetherby be, and he is hereby appointed Superintendent of the State Library, to take charge and control of the same, and also in connection therewith to take charge of the books and papers of the Senate and House of Representatives for and during the period of two years from the passage of this act. In addition to the duties usually discharged by the Superintendent of said Library, it shall be his duty to keep a list of all books and papers by him received from time to time for deposit in the said Library, a copy whereof he shall furnish annually to the Secretary of State, and to enter any and all books so received on the catalogues aforesaid, and cause the same to be labelled in the manner before provided. He shall weekly inspect said Library for the purpose of ascertaining whether any and, if any, what books are missing therefrom by examination and reference to the catalogue which he shall retain in his own possession as aforesaid, and if he find any missing it shall be his duty to proceed immediately to search for the same, and when found to restore them in proper order to their places on the shelves and generally to see to the better enforcement of the regulations made or lawfully to be made for the safe keeping and preservation of all books belonging to said Library. It shall also be his duty to arrange and put in order the books and papers of the Senate and House of Representatives and thereafter strictly to attend to keeping the same in good order and condition. For the performance of the duties and services in this resolution mentioned the said Charles P. Wetherby shall receive annually the sum of one hundred dollars for which he is hereby authorized to draw quarterly upon the State Treasurer; the first year to begin on the day of the adoption hereof.

Adopted at Dover, March 13, 1863.

CHAPTER 345.

Joint Resolution to ascertain the boundary of a Road near Dover.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

That Myers C. Conwell, surveyor, be and he is hereby authorized and directed to go upon the public road leading in a southerly direction from the town of Dover and to survey and mark the true boundary line on the easterly side of said road, beginning at a point south of the town limits, where the lots of ground belonging to George P. Fisher and Manlove Hayes corner upon said road and continuing said line in a southerly direction by the course of said road in front of the lot of said Manlove Hayes and in front of the lot adjoining, belonging to Martin W. Bates, to the southerly corner of the lot last mentioned; and the said line shall be re-established as the true boundary between said road and the lots of ground aforesaid.

M. C. Conwell, directed to mark the boundary line.

Provided, That all the expenses incurred shall be paid by the said Manlove Hayes and Martin W. Bates.

Expenses, how borne.

Provided further, That nothing herein contained shall be construed to authorize the lot-holders above named or any other person to enclose any land now in the public road, if by so doing the legal width of said public road shall be infringed upon or diminished.

Lot holders not to enclose.

Adopted at Dover, March 13, 1863.

CHAPTER 346.

Joint Resolution directing State printing not otherwise provided for, to be done in certain newspapers.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

That the Secretary of State be and he is hereby directed to have the State printing, not otherwise provided for, done in

State printing not otherwise pro-

vided for, to
be done in
certain pa-
pers.

three papers of the State, namely, "The Delaware State Journal and Statesman," in New Castle County, "The Delawarean," in Kent County and "The Georgetown Messenger," in Sussex County, and that he be directed to present a list of all orders for such printing to the next regular session of the General Assembly.

Adopted at Dover, March 20, 1868.

CHAPTER 347.

Resolution authorizing and directing the State Treasurer to borrow money.

State Treas-
urer au-
thorized to
borrow
\$10,000.

Resolved by the Senate and House of Representatives, of the State of Delaware, in General Assembly met, That the State Treasurer be and he is hereby authorized at such time or times as he shall deem necessary and upon a credit of not more than one year to borrow any sum or sums not exceeding in the aggregate ten thousand dollars, to be applied and used toward the payment of the expenses of the State, and that the faith of the State be and the same is hereby pledged for the payment of the said sum or sums of money so borrowed with interest at the rate of six per centum per annum, and that the Treasurer shall receive for his services one-eighth of one per centum out of the money so obtained.

Adopted at Dover, March 23, 1868.

CHAPTER 348.

Joint Resolution appointing Committee to settle with State Treasurer and Auditor of Accounts.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That MESSRS. Cahall and Belville on the part of the Senate, and Messrs. Bewley, Duncan and Bailey on the part of the House of Representatives, be and they are hereby appointed a

Committee on the part of this General Assembly, whose duty it shall be to meet at Dover, on third Tuesday of January, A. D. 1864, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Committee to settle with State Treasurer and Auditor

Resolved, That it shall be the duty of the said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement, under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in the State for the space of one month from the time effecting the same.

Statement to be made. Publication.

Resolved, That the said committee have full power and authority to audit the account of the Clerk of the Senate and the Clerk of the House Representatives for superintending the printing of the journal of the Houses of the Legislature during the present session, and for making indexes thereto; also the account of the Secretary of State for superintending the printing of the acts of the present session and for making index to the same, and make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the Chairman of the said Committee in favor of said clerks and Secretary of State respectively.

Accounts of clerks. Secretary of State. Allowances.

Resolved, That said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the Chairman of said committee out of any money in the hands of the said State Treasurer, not otherwise appropriated; and the Chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Compensation of committee.

Adopted at Dover, March 24, 1863.

CHAPTER 849.

Joint Resolution directing a sum of money to be paid to Zadock L. Butler.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the State Treasurer be,

Compensation.

and he is hereby authorized and directed to pay to Zadock L. Butler the sum of twenty dollars, for making fires and other services in committee room and for attention to water-closets, &c., used by members of the General Assembly.

Adopted at Dover, March 25, 1863.

CHAPTER 350.

Joint Resolution appointing John Wyatt to take charge of the Legislative Chambers.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

John Wyatt to take charge of chambers.

That John Wyatt be and he is hereby appointed to take charge of the Senate Chamber and of the Hall of the House of Representatives and to take care of the furniture, belonging to the same.

Duty.

And be it further resolved by the authority aforesaid, That it shall be the duty of the said John Wyatt to pay strict attention to the proper airing of said rooms and to the furniture belonging to each, and keep the same in the best condition within his power; and that he be required strictly enforce the rules made or lawfully to be made for the regulation of the same.

Compensation.

And be it further resolved by the authority aforesaid, That for the faithful performance of the duties above specified, the State Treasurer shall pay the said John Wyatt the sum of forty dollars per annum. The first year to commence on the day succeeding the day of adjournment of this General Assembly.

Adopted at Dover, March 25, 1863.

CHAPTER 351.

Joint Resolution authorizing John Green, Speaker of Senate, to draw a warrant on State Treasurer in favor of James Kirk.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That John Green, Speaker of the Senate, be and he is hereby authorized, empowered and directed, whenever he shall be satisfied that three thousand copies of the report and journal of the joint committee of the two houses upon military interference with the late election in this State have been printed and delivered to the Clerk of said committee, by James Kirk, to draw an order in favor of said James Kirk for the printing of said report and journal upon the State Treasurer at the rate of four dollars and fifty cents per page, and the State Treasurer is hereby authorized and directed to pay any such order out of any monies of the State not otherwise appropriated.

Speaker of Senate to draw and order on State Treasurer.

Rate of payment.

Adopted at Dover, March 25, 1863.

CHAPTER 352.

Joint Resolution authorizing binding of Journal and Report of Committee on Military interference and the distribution thereof.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

That the Clerk of the Joint Committee on so much of the Governor's Message as refers to interference by military in the service of the United States, with the elections in this State on the fourth day of November last be, and he is hereby authorized and directed to have bound one hundred and fifty copies of the Journal and Report of said joint committee, one copy to be sent to the Executive of each State of the Union, to be placed in the State Library of each State, six copies to be placed in the Library of the State of Delaware, one copy to be sent to each member of the Judiciary of the State, and the balance to be divided equally between the members of both branches of the General Assembly.

One hundred and fifty copies to be bound.

How distributed.

And be it further resolved, That the State Treasurer be and he is hereby authorized and directed to pay to John O. Slay, Esqr., Clerk of said Joint Committee, upon his proper vouchers, the costs of carrying the foregoing resolution into effect.

Adopted at Dover, March 25, 1863.

State Treasurer to pay the expenses of binding and transportation.

CHAPTER 353.

Joint Resolution directing the publication of the Journals and the mode of compensation.

Clerks directed to publish journals.

Speakers to draw warrants on State Treasurer.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerk of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and directed to have published in the manner prescribed by Section 4, of Chapter 4, of the Revised Statutes of this State, 300 copies of the Journal of the Senate and 300 copies of the Journal of the House of Representatives, advertising for three weeks for proposals as prescribed in Section and Chapter aforesaid, and when the said Journal shall have been printed and approved by said Clerks they shall certify that fact to the Speakers of the respective Houses of the General Assembly, who shall thereupon draw orders upon the State Treasurer in favor of the person or persons who shall have printed said Journals, and the State Treasurer is hereby authorized and directed to pay such orders out of any money not otherwise appropriated.

Adopted at Dover, March 25, 1863.

CHAPTER 354.

Joint Resolution authorizing payments to John O. Slay and John S. Jester.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be

and he is hereby directed to pay to the order of John O. Slay, the sum of seven hundred and fifty dollars as compensation ^{John O. Slay, \$750.} for his services as Clerk to the Joint Committee on so much of the Governor's Message as refers to military interference with the elections in this State on the fourth day of Nov. last, and for superintending the printing of the Journal and Report of said committee.

Resolved by the authority aforesaid, That the State Treasurer be and he is hereby directed to pay to John S. Jester, the sum ^{John S. Jester, \$300} of three hundred dollars out of any money in his hands not otherwise appropriated, as compensation for his services as Sergeant-at-arms to said committee, and for summoning one hundred and twenty-four witnesses to appear and give testimony before said committee.

Adopted at Dover, March 25, 1863.

CHAPTER 355.

Joint Resolution for adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

That both Houses of the General Assembly will at the hour of 10 o'clock, P. M., of this 25th day of March, adjourn until ^{Adjourned until 2d Tuesday of June.} the second Tuesday of June next, at 10 o'clock, A. M.

Adopted at Dover, March 25, 1863.

CHAPTER 356.

Joint Resolution to adjourn from June 10, 1863, to the second Tuesday in January, 1864.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn this afternoon they will adjourn to meet again on the second Tuesday of January, A. D. 1864, at 10 o'clock, A. M. ^{Adjourned until 2d Tuesday in January, 1864.}

Adopted at Dover, June 10, 1863.

TITLES OF PRIVATE ACTS.

CHAPTER 357.

An additional supplement to An Act entitled "An Act to enable the owners and possessors of the marsh meadows, on the north side of the Christiana River, called Middleburg Marsh, to keep the banks, dams, and sluices in repair and raise a fund to defray the expenses thereof," passed in the year 1769.

Passed at Dover, January 30, 1863.

CHAPTER 358.

An Act to divorce Emma C. Fischler and William Henry Fischler from the bonds of matrimony.

Passed at Dover, February 3, 1863.

CHAPTER 359.

An Act to divorce Julia Emily Rickards and David Rickards from the bonds of matrimony.

Passed at Dover, February 3, 1863.

CHAPTER 360.

An Act to enable Ezekiel Timmons to locate certain vacant lands situate in Broad Creek Hundred in the County of Sussex, and to complete his title to the same.

Passed at Dover, February 3, 1863.

CHAPTER 361.

An Act to divorce Elizabeth Morris of New Castle County from her husband John Morris.

Passed at Dover, February 4, 1863.

CHAPTER 362,

An Act to divorce Mary Hudson and John Hudson from the bonds of matrimony.

Passed at Dover, February 4, 1863.

CHAPTER 363.

An Act to divorce Hiram Finlaw and Elizabeth Finlaw from the bonds of matrimony.

Passed at Dover, February 11, 1863.

CHAPTER 364.

An Act to change the name of William Thomas Voshell and for other purposes.

Passed at Dover, February 17, 1863.

CHAPTER 365.

An Act to divorce Eliza A. Scott, of Milford, Kent County, Delaware, and David Scott, from the bonds of matrimony.

Passed at Dover, February 17, 1863.

CHAPTER 366.

An Act for the relief of Byard Quigley.

Passed at Dover, February 17, 1863.

CHAPTER 367.

An Act for the relief of Thomas H. Way.

Passed at Dover, February 18, 1863.

CHAPTER 368.

An Act to enable James W. Smith to locate certain vacant land situated in Broad Creek Hundred, Sussex County, and to complete his title to the same.

Passed at Dover, February 18, 1863.

CHAPTER 369.

An Act to authorize James K. Lynam to lay out a private road in Christiana Hundred, New Castle County.

Passed at Dover, February, 24, 1863.

CHAPTER 370.

An Act to enable James L. Smith and Mary A. Smith, Executor and Executrix of Charles S. Smith, to expend a portion of the personal estate of the deceased and for other purposes.

Passed at Dover, February 25, 1863.

CHAPTER 371.

An Act to divorce Sarah C. Elliott and William Elliott from the bonds of matrimony.

Passed at Dover, February 27, 1863.

CHAPTER 372.

An Act for the relief of Samuel Pennock, Moses Pennock and the heirs of Jesse Pennock, deceased, and their assigns.

Passed at Dover, March 6, 1863.

CHAPTER 373.

An Act to divorce James Henderson and Sarah Henderson from the bonds of matrimony.

Passed at Dover, March 6, 1863.

CHAPTER 374.

An Act to authorize Levy Court of New Castle County to correct the assessment of the real estate of Joseph W. Vandegrift.

Passed at Dover, March 10, 1863.

CHAPTER 375.

An Act to divorce Joseph Meek, of the Town of Dover, and Jane Meek from the bonds of matrimony.

Passed at Dover, March 11, 1863.

CHAPTER 376.

An Act to enable Nathaniel King and Jacob R. Jones to locate certain vacant lands situated in Broad Creek Hundred, Sussex County, and to complete their title to the same.

Passed at Dover, March 17, 1863.

CHAPTER 377.

An Act to dissolve the marriage tie existing between Walter Truitt and Julia Ann Truitt, his wife.

Passed at Dover, March 19, 1863.

CHAPTER 378.

An Act to enable David Taylor, Jr., to locate certain vacant lands in Mispillion Hundred, Kent County, and to complete his title to the same.

Passed at Dover, March 19, 1863.

CHAPTER 379.

An Act to authorize the Administrators of James F. Downs, deceased, to sell and make title to the interest of certain minors in his real estate; and also to carry out his contract of conveyance with one Samuel Durrah, (n.)

Passed at Dover, March 19, 1863.

CHAPTER 380.

An Act for the relief of Richard France.

Passed at Dover, March 23, 1863.

CHAPTER 381.

An Act to authorize the sale of the interest of the minor children of William H. Holding, deceased, in a certain part of his real estate.

Passed at Dover, March 24, 1863.

CHAPTER 382.

An Act to enable William Greenley to locate certain vacant land situate in Murderkill Hundred in Kent County, and to complete his title to the same.

Passed at Dover, March 24, 1863.

SECRETARY'S OFFICE,
DOVER, September 26, 1863.

In obedience to the directions of Chapter 4 of the Revised Code, entitled "Of the passing and the publication of Laws and of Journals," I have collated with, and corrected by, the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its session commenced on Tuesday, the sixth day of January, A. D. 1863, and at its adjourned session commenced on Tuesday, June 9, 1863.

N. B. SMITHERS,
Secretary of State.

LAWS

OF THE

STATE OF DELAWARE,

PASSED AT AN ADJOURNED SESSION

OF THE

GENERAL ASSEMBLY.

CONVENED AT DOVER, ON TUESDAY, THE TWELFTH
DAY OF JANUARY, A. D. 1864.

PUBLISHED BY AUTHORITY.

WILMINGTON:
HENRY ECKEL, PRINTER,
S. E. CORNER FIFTH & MARKET STS.
1865.

L A W S

OF THE

STATE OF DELAWARE.

CHAPTER 883.

An Act appointing Commissioners to lay out a Public Street in the town of Seaford, to be called East Street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Benjamin Stokely, Rhodes Hazzard, Thomas R. Harper, William B. Horsey and James Darbee be and they are hereby appointed Commissioners to lay out and open a public street in the town of Seaford, beginning on Front Street, at the South East corner of Francis Brown's lot, and on the North East corner of John L. Coulbourn's lot, thence running between said Coulbourn's and Brown's lots, through to Market Street, via said John L. Coulbourn's hotel, as near the width of East Street as they may deem most expedient, not to take any part of said Brown's or Coulbourn's lots on Front Street; and the said Commissioners or a majority of them shall have authority and they are hereby required to cause the same to be surveyed by some skilful surveyor by them to be nominated, and open the same as aforesaid as a public street for the use of the public, and shall cause a plot thereof to be made, representing the courses and distances thereof, and notes of the property and quantity thereof by them condemned for the purpose aforesaid, and assess any damages which may accrue to the owner or owners of any lot or lots through which the said street shall*

Commissioners appointed to lay out street in the town of Seaford.

Course of street.

Commissioners empowered to appoint a Surveyor. Plot and return.

Commissioners to assess damages.

Return to
be recorded.

When re-
corded to be
evidence.

pass, and make return of said plot, and report to the Recorder of Deeds in and for Sussex County, to be by him recorded in the records of his office, which shall be evidence thereafter in any Court of Record in this State.

Commis-
sioners and
Surveyor
to be sworn
or affirmed.

SECTION 2. *And be it further enacted as aforesaid,* That the said Commissioners (and Surveyor by them nominated and appointed) before entering upon the duties hereinbefore mentioned, shall be severally sworn or affirmed to perform the duties imposed upon them by this Act, faithfully and impartially according to the best of their skill and judgment.

Expenses
and dama-
ges to be
paid by vol-
untary sub-
scription.

SECTION 3. *And be it further enacted as aforesaid,* That the expenses and damages, if any, attending the opening and making of the said street, shall be defrayed by voluntary subscription of such persons as may be interested in opening the same, and when opened shall be kept in repair as other public streets in the town of Seaford.

Name of
new street.

SECTION 4. *And be it further enacted as aforesaid,* That the said street after being laid out and opened as aforesaid, shall be called and known by the name of East Street.

Passed at Dover, January 21, 1864.

CHAPTER 384.

An act to amend "an Act authorizing the Recorder of Deeds of Kent County to copy Indices." Passed at Dover, January 24, 1861.

Preamble.

vol. xii. 12.

WHEREAS, By the Act above named, Eli Saulsbury, Esq., and N. B. Smithers, Esq., were appointed to examine certain Indices therein mentioned after the Recorder should have completed the same, and whereas, N. B. Smithers, Esq., has declined to act as said Commissioner on account of other official engagements, and desires the appointment of another in his stead, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the* Second Section of said Act be and the same is hereby amended as follows, namely: Strike out from the third line of Section 2, the name of N. B. Smithers, and insert in lieu thereof, the name of Philip Culbreth, Esq.

Section 2, amended by striking out name of N. B. Smithers and inserting name of Philip Culbreth.

Passed at Dover, January 21, 1864.

CHAPTER 385.

An Act to amend Section 5, of Chapter 34 of the Revised Statutes of the State of Delaware.

Rev. code 95

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 5 of Chapter 34 of the Revised Statutes of this State be and the same is hereby amended by inserting in the fourth line after the word "Castle" the words "Christiana and White Clay Creek," and to the word "Hundred" the letter "S."

Section 5, Chapter 34, Rev. Stat., amended.

Rev. code 96

Passed at Dover, January 26, 1864.

CHAPTER 386.

An Act to authorize John M. Rawlins to change the location of, straighten and shorten a certain Public Road in North West Fork Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* John M. Rawlins be and he is hereby authorized and empowered to change the location of, straighten and shorten that portion

J. M. Rawlins authorized to straighten a public road.

Where to be
straightened
of the public road leading from Middleford to Seaford, where the same passes through the lands of said John M. Rawlins, beginning at the end of the street in Middleford, leading past the property of James Stuart, now occupied by Thomas H. Starkey in said town, running thence in a South Westerly and Westerly direction, through the lands of said John M. Rawlins, until it intersects the old road near where the division line of lands of Wm. Huffington Cannon, and John M. Rawlins, crosses said road leading to Seaford.

Road when
straightened
to be public.
SECTION 2. *Be it further enacted by the authority aforesaid,* That the road so changed, straightened and shortened, be put in good order for public travel at the expense of said John M. Rawlins, shall be a public road and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Sussex County, and that the said John M. Rawlins shall have full power and authority to close up such portions of the old road which may be vacated or supplied by the new road.
Old road to
be vacated.

Public Act. SECTION 3. *Be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act.

Passed at Dover, January 26, 1864.

CHAPTER 387.

An Act to vacate a certain street or highway in the town of New Castle, and make a new one in its stead.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the street or highway in the town of New Castle, called "the old

Maryland Road," beginning at the corner of Union and South Streets, be and the same is hereby vacated, and it shall be lawful for Dr. Allen V. Lesley to enclose the same with his other land; and also that the projected change in the course of said street as determined by and delineated on a plot of said town of New Castle made by authority of commissioners appointed by Act of Assembly February 23, 1859, be and the same is hereby prohibited: *Provided*, nevertheless, that this Act shall have no effect unless the said Dr. Allen V. Lesley shall in such manner as the Commissioners of New Castle shall determine, dedicate to public use a street (in lieu of that hereby authorized to be vacated) of the width of fifty-five feet, beginning at the corner of South and Union Streets, and ending at the intersection of the New Castle and Wilmington Railroad and Eighth Street.

Road vacated and enclosed.

Projected change of road prohibited.

Proviso. Not to take effect unless a street in lieu of vacated street be dedicated to public use.

Width.

Terminus.

Passed at Dover, January 27, 1864.

CHAPTER 388.

A further supplement to an Act granting an Act to incorporate a Bank in Milford under the name of the President, Directors and Company of the Farmers' and Mechanics' Bank of Milford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in the third line of Section Six of Chapter 109, which said section refers to the election of Directors of the Bank aforementioned the word "seven" be stricken out and the word "eleven" inserted in lieu thereof, *give to said Bank eleven Directors in lieu of seven.*

Vol. xi. 748.

Vol. xii. 88.

Section 6 amended.

How.

Passed at Dover, January 27, 1864.

* So in original.

CHAPTER 389.

An Act vacating a part of a public road in Sussex County.

County road
vacated.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all that part of a County Road leading from a post near Whitefield Daughter's Store, to the County Road leading from Concord to Laurel, which lies on the East side of said County Road leading from Concord to Laurel, be and the same is hereby vacated, made null and void.

Passed at Dover, January 28, 1864.

CHAPTER 390,

An Act to authorize the Trustees of the Seaford Academy to sell and convey the old Academy Building in the town of Seaford.

Preamble.

Recites that
Academy
Building in
Seaford is in
dilapidated
condition.

WHEREAS, It is represented to the General Assembly by the petition of sundry citizens of Seaford and its vicinity, that the Academy Building in Seaford is in a dilapidated condition, unfit for use and abandoned, and unfit even for repair, and that it would be better to build a new one entire, than to re-build the old one if one should be required, therefore,

Enacting
clause.
Trustees
shall sell
building for
cash to high
est bidder

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met, That the Trustees of the Seaford Academy, or any two of them, shall on or before the first day of May next, sell at public auction, to the highest bidder for cash, the Academy Building at Seaford, after given notice by*

advertisements posted up at least ten days before the day of sale in at least five of the most public places in the County of Sussex, and make and convey a good title by deed or otherwise to the purchaser or purchasers thereof, and pay over the proceeds of the said sale (after deducting all reasonable charges and expenses of said sale) to the Commissioners of the two School Districts in the town of Seaford, equally share and share alike, to be by them used and expended as other school funds in their hands.

On or before first day of May next. Notice of sale, how given. Trustees to convey title. Proceeds after deducting expenses to be divided. How.

SECTION 2. That in case the said Trustees, or any two of them shall neglect or refuse to sell said Academy Building within the time specified in Section 1, then the associate Judge of Sussex County shall, upon the application of five respectable citizens of the town of Seaford, appoint one good and judicious citizen of North West Fork Hundred, in Sussex County to sell and convey the said Academy Building as directed in Section one of this Act.

If Trustees neglect or refuse, the Associate Judge of Sussex Co. to appoint citizen of N. W. Fork Hd. to sell and convey.

Passed at Dover, January 23, 1864.

CHAPTER 391.

An Act to amend Section 3 of Chapter 42 of the Revised Code entitled "Of Free Schools."

Rev. Code, 109.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Section 3 of Chapter 42 of the Revised Code, entitled, "of Free Schools," be, and the same is hereby amended as follows, viz:—by adding after word "Assembly," and before the word "shall," in line 7 of said Section the words "and having paid his school tax for the preceding year."

Rev. Code, 111. Sec. 3 of Chapter 42 Rev. Code amended. How.

Passed at Dover, January 28, 1864.

CHAPTER 392.

An Act to revive and amend an Act entitled "an Act to incorporate the Green Branch Ditch Company, passed at Dover, February 18, 1863.

Vol. xii. 235.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the* Act revived. *Act entitled "An Act to incorporate the Green Branch Ditch Company," passed at Dover, February 18, 1863, be and the same is hereby revived and amended.*

SECTION 2. *And be it further enacted by the authority aforesaid, That the names of "William Denney, John Mustard and* Act amended. *Edward Beck," in the first and second lines of Section 2 of said Act be stricken out and the names of "John M. Voshell, Thomas B. Lockwood, and Tilghman Foxwell" be inserted in lieu thereof; and that the words "ninety days" in the* How. *first line of Section 5 of said Act be also stricken out, and the words "on or before the first day of November, A. D., 1864," be inserted in lieu thereof.*

Passed at Dover, January 28, 1864.

CHAPTER 393.

An act to authorize George B. Dickson to make an Index to the old Marriage Record in the Recorder's office of Kent County from the year 1847 to 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General* met, That George B. Dickson be and he is hereby authorized to make* George B. Dickson authorized to index a certain Marriage Record. *an Index to said Marriage Record, and the Levy Court of Kent County be and is hereby directed to pay a fair and reasonable compensation for making said Index.*

Passed at Dover, January 28, 1864.

.83

* So in original.

CHAPTER 394.

An Act to amend Section 7, of Chapter 241 of the Laws of the State of Delaware, passed at Dover February 28, 1855. Vol. XI. 249

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of both branches concurring therein.)* That Section 7, of Chapter 241 of the Laws of the State of Delaware, passed at Dover, February 28th, 1855 be, and the same is hereby amended by striking out of the 14th line of said Section 7 the word "July," and inserting in lieu thereof the word "August." Section 7 Chap. 241 (vol. xi. 249) amended How.

Passed at Dover, February 1, 1864.

CHAPTER 395.

An Act to amend Section 1, of Chapter 59 of the Revised Code, entitled "of Ditches." Rev. Code 186.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 1, of Chapter 59 of the Revised Code, entitled "of Ditches" be amended as follows, viz: by inserting in lieu of the word "three" in line one of said section, the word "one," and adding after the word "the" and before the word "own-ers" the words "owner or" in said line of said section. Section 1. Chap 59 Rev. Stat. amended. How.

SECTION 2. *And be it further enacted, &c.,* That said Section 1, of said Chapter 59 shall after the passage of this Act be so read and construed.

Passed at Dover, February 2, 1864.

CHAPTER 396.

An Act in relation to a certain projected change of street in the town of New Castle.

Commissioners of New Castle prohibited from changing course of certain Turnpike.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That the Commissioners of the town of New Castle be, and they are hereby prohibited from making any change in the course of the Turnpike leading to Hare's corner, or as otherwise called Delaware street extended, which will cause any encroachment upon the burying ground and property of the Methodist Episcopal church, or any other lots on the South-west side of said street.

Passed at Dover, February 3, 1864.

CHAPTER 397.

An Act to authorize the laying out a public road in Broadkill Hundred.

Commissioners appointed to open new street in Milton.

Course of new street.

To employ Surveyor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Geo. W. Atkins, N. W. McGee, William V. Coulter, Asa F. Conwell and Richard Blocksom, of Sussex County, be and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of a new public road or street, commencing at the point where Main and Apple Tree streets intersect in the town of Milton in Sussex County, and to extend thence easterly through the lands of James Ponder, James Cooper, Samuel Martin and others, into the County road leading from Milton to Lewes; and if the aforesaid Commissioners or a majority of them shall determine that there is need of a new public road or street as above mentioned, then they shall with the assistance of some skillful surveyor, to be by them employed, lay out such public road

or street as shall be most proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public or private convenience or detriment, and shall cause a plot of the said public road or street to be made, representing the courses and distances thereof, and shall assess any damage which may accrue to the owner or owners of the lands through which the said public road or street shall pass, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of the said owners, and shall make a computation of the costs of opening and making the said public road or street and making the bridges and causeways thereon, setting down the several items of said costs, and shall in their return set forth a description of the said public road or street, and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

Plot to be made out.

Damages assessed.

Costs computed.

Items to be set down.

SECTION 2. *And be it further enacted,* The plot and returns so to be made as aforesaid by the said Commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of the said County, and the Levy Court of Sussex County may adopt and establish the said public road or street, and may make such allowances for damages to persons through whose lands the said road or street may pass as they shall deem right and proper.

Plot to be returned to Clerk of Peace for Sussex County.

Levy Court may establish street and allow damages.

SECTION 3. *And be it further enacted,* That Samuel Martin and James Ponder of Sussex County be, and they are hereby appointed to superintend and oversee the making and completing the aforesaid public road or street, and they shall present their vouchers for making and completing the aforesaid public road or street to the Levy Court of Sussex County for settlement.

Samuel Martin and Jas. Ponder appointed to superintend

SECTION 4. *And be it further enacted,* That the aforesaid George W. Atkins, N. W. McGee, William V. Coulter, Asa F. Conwell, and Richard Blocksom, and the Surveyor employed by them, shall before performing the duties herein assigned them, be sworn or affirmed before any Justice of the Peace in Sussex County to perform the duties incumbent upon them under this Act faithfully and impartially, according to the best of their skill and judgment respectively; and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Commissioners and Surveyor to take oath or affirmation.

Compensation.

Inconsistent
laws repeal-
ed.
Public Act.

SECTION 5. *And be it further enacted,* That all laws and parts of laws inconsistent with this Act are hereby repealed, and this shall be deemed and taken to be a public act.

Passed at Dover, February 3, 1864.

CHAPTER 398.

An Act to straighten a road in Cedar Creek Hundred.

Commis-
sioners ap-
pointed to
straighten a
certain pub-
lic road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John A. Hazzard, William A. Scribner, and Thomas Carlisle be and they are hereby appointed Commissioners to vacate and change so much of the road leading from Milford to the Delaware Bay, as lies East of the Canal uniting the waters of Cedar Creek and Mispillion. The aforesaid Commissioners or a majority of them, are hereby authorized to go upon the premises and view the same, and if in their judgment they deem it right and proper, shall lay off and straighten the road East of the aforesaid Canal to the Delaware Bay and return a map with their proceedings to the Levy Court of Sussex County. And before the aforesaid Commissioners shall enter upon their duties they shall take an oath or affirmation that they will perform the duties aforesaid to the best of their judgment and ability, and they shall be entitled to one dollar each for every day's service while engaged on said road, to be paid by the party or parties owning the land through which the new road shall run. And this shall be deemed and taken to be a public Act.

Return to be
made to
Levy Court
of Sussex
County.
Commis-
sioners to
take oath or
affirmation.
Compensa-
tion.

Public Act.

Passed at Dover, February 3, 1864.

CHAPTER 399.

An Act to amend the Act entitled "An Act to incorporate the Young Men's Association for Mutual Improvement of the City of Wilmington." Vol. xi. 358
Vol. xi. 604

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two thirds of each branch of the Legislature.)

SECTION 1. That the Act entitled "An Act to incorporate the Young Men's Association for Mutual Improvement of the City of Wilmington," passed at Dover, February 10, 1857, be amended, and the same is hereby amended by striking out the word "fifty" in the 13th line of the 1st Section, and inserting in lieu thereof the words "two hundred." How.

Passed at Dover, February 3, 1864.

CHAPTER 400.

An Act relating to the Exportation of Oysters from this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every person, association or company of persons, who shall be engaged in the business of opening oysters within this State for the purpose of exporting or sending them out of the State, shall pay to the County Treasurer of the county wherein such oysters may have been opened, a tax of one half of one cent, for each and every bushel of shell oysters so opened for exportation as aforesaid; and it shall be the duty of every such person, association or company of persons, engaged in the business aforesaid, to make, on the first day of each and every month, returns under oath or affirmation, to the Clerk of the Peace of the county wherein such business may have been carried on, showing the number of bushels of shell oysters opened within the month preceding for exportation as aforesaid; Tax imposed upon oysters opened for exportation. Returns under oath to be made.

Penalty for
neglect or
refusal.

and if any persons engaged in the business aforesaid shall refuse or neglect, for the period of ten days after such return should have been made, to make such monthly return, he shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of five hundred dollars, and shall be imprisoned for the period of three months.

In case of
refusal or
neglect to
return
proceedings

SECTION 2. *And be it enacted as aforesaid,* That if any person, association or company of persons engaged in the business of opening oysters for the purpose of exportation from this State, as aforesaid, shall neglect or refuse to make monthly returns as required by Section 1 of this Act, for the space of ten days after such return should have been made, it shall and may be lawful for any citizen of the county wherein such business may have been carried on, to make an affidavit, and file the same in the office of the Clerk of the Peace of the county, stating the name or names of the persons engaged in said business, the place or places where said business is carried on, and the number of bushels of shell oysters which he believes such person or persons have opened for exportation, and the amount of tax which he believes to be due therefor, whereupon it shall be the duty of the Clerk of the Peace in whose office such affidavit is filed, to certify, under his hand and the seal of the court to the Treasurer of the county aforesaid, the amount of taxes appearing to be due by such affidavit, and the name or names of the person or persons from whom the same is due; and if such tax be not paid within ten days thereafter, it shall be the duty of the County Treasurer aforesaid, to proceed to collect the same, and he shall have any and all the remedies for the collection of such tax as are now given by the laws of this State to Collectors of county taxes.

County
Treasurer to
collect.

Clerk of
Peace to cer-
tify amount
of tax to Co.
Treasurer.

SECTION 3. *Be it enacted as aforesaid,* That it shall be the duty of the Clerk of the Peace to whom any return has been made under the provisions of Section 1 of this Act, within five days after such return shall have been made, to certify to the County Treasurer of the county in which such return shall have been made, the amount of tax due by such return, and the name or names of such person or persons from whom such tax is due; and it shall be the duty of the County Treasurer aforesaid, if such tax shall not have been paid within ten days thereafter, to proceed to collect the same, and he shall have all the remedies for the collection of such tax as are now given by the laws of the State to Collectors of County taxes.

SECTION 4. *Be it enacted by the authority aforesaid,* That it shall be the duty of the County Treasurer of Sussex County, to pay

annually out of the money received by him under the provisions of this Act, the sum of one hundred dollars to John E. Martin, William W. Dulany and Major W. Allen, to be by them expended in the improvement of the streets of the town of Seaford; and the said John E. Martin, William W. Dulany and Major W. Allen are hereby appointed Commissioners to receive the said sum of one hundred dollars, and expend the same in the improvement of the streets of said town. Any two of said Commissioners may act, and they may employ an agent or agents to superintend the work on said streets, and may make to such agent or agents a proper allowance for his services.

County
Treasurer to
pay \$100 for
improvements.

Commissioners appointed,

SECTION 5. *Be it enacted as aforesaid,* That the County Treasurer of the several counties shall be liable, upon their official bonds, for all monies received under the provisions of this act.

County
Treasurer
liable for
money received.

SECTION 6. *Be it enacted as aforesaid,* That all laws and parts of laws of this State inconsistent with this act be, and the same are hereby repealed.

Inconsistent
Acts repealed.

Passed at Dover, February 3, 1864.

CHAPTER 401.

An Act to authorize the Prothonotary of the Superior Court of the State of Delaware in and for Kent County to procure a new press and seal of office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Sharp, Prothonotary of the Superior Court of the State of Delaware in and for Kent County be, and he is hereby authorized to procure a new press and seal for his office, the seal to be made of steel or brass, of the same diameter as the present seal, and engraved with the same devices; and when completed the said seal shall be taken, adjudged and deemed to be the seal of the said Superior Court in and for Kent County, and shall thereafter be affixed to all writings, papers and records, where the seal of said Court is required, and the present seal shall then be broken up and destroyed by the said Prothonotary.

Prothonotary of Kent Co., authorized to procure new press and seal.

SECTION 2. *And be it further enacted by the authority aforesaid,*
Levy Court of Kent Co. to pay cost. That the Levy Court of Kent County shall pay the necessary cost and expenses of procuring the said new press and seal.

Passed at Dover, February 3, 1864.

CHAPTER 402.

An Act to increase the salary of the Chief Justice.

Preamble • Whereas, in the opinion of this General Assembly, the salary of the Chief Justice of the State is inadequate; therefore,

Salary of Chief Justice \$1500. **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the annual salary of the Chief Justice of the State shall be fifteen hundred dollars, the first instalment of which shall be paid at the end of the present quarter.

Passed at Dover, February 3, 1864.

CHAPTER 403.

An Act to authorize the re-binding and transcribing of certain Indexes to the Records in the office of the Recorder of Deeds in Sussex County.

Recorder of Sussex Co. authorized to re-bind certain Index. **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James C. Dunning, the present Recorder of Deeds, in and for Sussex County be, and he is hereby authorized to cause the General Reverse Index to Deeds recorded in his office from the year A. D., 1682, to the year A. D., 1842, to be newly bound in a good and substantial manner.

SECTION 2. *And be it further enacted,* That the said James C. Dunning, Recorder as aforesaid, be and he is hereby authorized to cause to be made a true and correct copy of the General Direct Index to the records of Deeds in his office from the year A. D., 1682, to the year A. D., 1842. Authorized to copy certain Index.

SECTION 3. *And be it further enacted,* That if the said James C. Dunning, Recorder as aforesaid, shall copy, and cause to be re-bound, the Indexes aforesaid, then that C. W. Wright, and John H. Paynter, Esqrs., be and they are hereby appointed Commissioners, whose duty it shall be to examine said Indexes after the said James C. Dunning shall have completed them, and if they approve of the execution thereof, they shall certify on the record which is copied by the said James C. Dunning the same to be a true and correct copy, and that then and after said certificate, the said copy shall become and be the Indexes to the said Records. Commissioners appointed to examine Indexes. Certificate.

SECTION 4. *Be it further enacted as aforesaid,* That it shall and may be lawful for the Levy Court of Sussex County to make such allowances to the said James C. Dunning, and C. W. Wright, and John Paynter for the services required of them by this Act as the said Levy Court may deem proper. Levy Court of Sussex County to pay expenses.

Passed at Dover, February 3, 1864.

CHAPTER 404.

An Act to change the location of a certain public road in Saint Georges Hundred, New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Eli Biddle, William Reybold, Daniel Corbit, James Kanbley, and George Z. Tybout, be and they are hereby appointed Commissioners to go upon and view the road leading from Higgins' Corner in the said Hundred to the town of Port Penn, and if the said Commissioners or a majority of them after having viewed the said road as above directed, shall be of Commissioners appointed to change certain public road.

Course of new road. opinion that the course of said road can be changed so as to cross St. Augustine Creek at a point further from its mouth than it now crosses the said Creek without detriment to the citizens of that vicinity or the public generally, they shall

Proviso. have power to locate the said road accordingly; *Provided* always that the initial point of said new road shall be on the South side of St. Augustine Creek aforesaid, between the Delaware River and Higgins' Corner on the road leading to

Terminal. McDonough, and that the terminus of the said new road shall be at some point of the old road South of Port Penn, and North of said Creek, or in the road leading from Port Penn to Boyd's corner as near to the said town of Port Penn as circumstances will permit. The said Commissioners shall

Return to Court of General Sessions. make return of their proceedings to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County at its Session next after the location of said new road.

SECTION 2. *And be it further enacted*, That if the Commissioners or a majority of them shall deem it necessary, they shall

To employ a Surveyor. have power to call to their aid a skilful Surveyor to run out and locate said road.

SECTION 3. *And be it further enacted*, That the said Commissioners and Surveyor before entering upon the duties enjoined upon them by the provisions of this Act, shall take and subscribe an oath or affirmation to perform their duty respectively with fidelity, which oath or affirmation may be administered by the said Commissioners, or by any person who is authorized by the laws of this State to administer an oath or affirmation.

Commissioners and Surveyor to take oath or affirmation. How administered.

SECTION 4. *And be it further enacted*, That each of the Commissioners shall have for each and every day's attendance under the provisions of this Act the sum of one dollar, and the Surveyor shall have such sum as may be agreed upon by the said Commissioners, all of which shall be paid by the Levy Court of New Castle County upon the acceptance by the said Superior *Court of the aforesaid return.

Compensation. Costs. How paid.

Passed at Dover, February 4, 1864.

* So in original.

CHAPTER 405.

An Act to define and prevent certain nuisances.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That hereafter, no person or persons, shall cast, put, place, discharge in or permit or suffer to be cast, put, placed, discharged in, or to escape into any running stream of water within the limits of this State, from which stream the inhabitants of any borough, town or city within this State are supplied wholly or in part with water for and as a drink or beverage, any dye-stuffs, drugs, chemicals or other substance or matter of any kind whatsoever, whereby, and by means whereof, the said water so supplied as and for a drink or beverage as aforesaid, shall be made and become noxious to the health, or disagreeable to the senses of smell or taste. Nuisance defined.

SECTION 2. Every person offending against the provisions of the preceding section of this Act, shall be deemed guilty of committing a common nuisance, and upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery, shall be fined from one thousand to five thousand dollars at the discretion of the Court, and in addition to the fine aforesaid, the Court shall issue an order for the abatement of the nuisance within twenty days after the verdict of the Jury upon the indictment aforesaid; and the Sheriff of either of the Counties of this State in which said conviction shall take place, shall, under the order aforesaid, unless the said nuisance shall before the expiration of the time allowed for the abatement of the said nuisance, have been abated, have full power to abate the same, and to this end shall enter on the premises from which the said nuisance proceeded and arrest, stop and put an end to the business from the carrying on of which or in the process of which the said nuisance was created or carried on, or premises from which the said nuisance proceeded and issued. Penalty for.
Abatement of
Proceeding.

SECTION 3. *And be it further enacted,* That no person hereafter, shall put or place, or permit to be put, placed or used any privy, hog-pen or slaughter-house over or so near that the excrement or offal therefrom shall escape or run into any stream of running water within the limits of this State from which the inhabitants of any town, borough, or city within the limits Offal &c., declared to be nuisance.

aforesaid, are wholly or in part furnished with water as a drink or beverage, and any one offending against the provisions of this section shall be deemed to be guilty of committing a common nuisance, and upon conviction thereof in the Court aforesaid, shall be fined the sum of one hundred dollars, and the Court shall order the nuisance to be abated immediately.

Penalty.

Abatement.

Passed at Dover, February 4, 1864.

CHAPTER 406.

An Act to incorporate the Wilmington City Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein,) as follows, to wit:

Commissioners appointed to procure subscriptions of stock.

Notice.

Subscriptions.

How made.

10 per cent to be paid at time of subscription.

Capital stock \$100,000.

Meeting of subscribers.

SECTION 1. That Thomas Walter, Daniel M. Bates, J. Taylor Gause, William Tatnall, Francis Barry, James L. DeVou, Jr., William Wharton, Jr., William Canby, James Bradford, Clement B. Smyth, Philip McDowell and Joshua T. Heald, be and they are hereby appointed Commissioners to procure subscriptions to the capital stock of the corporation hereinafter created; and for that purpose they shall open books of subscription at such times and places and under such regulations as they may determine, first giving ten days public notice by advertisements in two newspapers of the City of Wilmington, of the time and place of receiving subscriptions. The subscriptions to said capital stock may be made either in person or by attorney. Any Commissioner may subscribe for and hold such stock. Ten per centum upon the amount of stock subscribed shall be paid to the Commissioners at the time of subscription. Whenever subscriptions shall have been made to the amount of One Hundred Thousand Dollars and the ten per centum thereon paid as aforesaid, the subscription shall be closed and the Commissioners shall call a meeting of the subscribers to be held in the City of Wilmington, upon ten days notice thereof, published in two newspapers of said City, for the purpose of organizing the Company by the election of officers. Seven of said Commissioners shall

form a quorum for the transaction of any business, and a majority of those present at a meeting may determine any question. If any Commissioner above named shall decline to perform the duties herein prescribed, the remaining Commissioners may, if they deem it expedient, appoint another person to act in his place. Upon the organization of the Company the Commissioners shall pay to the Treasurer of the corporation the ten per centum received by them, first deducting expenses actually incurred.

SECTION 2. When, and so soon as One Hundred Thousand Dollars of capital stock shall have been subscribed, and the ten per centum thereon paid as aforesaid, the subscribers and their successors shall become, and they are hereby declared to be a body corporate under the name of "The Wilmington City Railway Company," and by that name shall have succession, with power to sue and be sued, plead and be impleaded in all courts of law and equity; to purchase, take, hold, grant, bargain, sell, alien, demise and dispose of lands, tenements, hereditaments, goods, chattels and effects; to have and use a common seal, and the same to alter and renew at pleasure; to ordain by-laws for the government of the corporation, not inconsistent with the Constitution and laws of the United States or of this State; and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers. The said corporation shall have power to borrow money to such an amount that its indebtedness secured by bond and mortgage shall not at any time exceed one-half of the amount of its capital stock for the time being, and to secure the payment of the same by issuing its bonds, and by mortgage of the said railway, and of all the estate real or personal of the said corporation, together with all corporate rights and franchises held by it under this Act or any supplement thereto.

SECTION 3. The capital stock of said Company shall be One Hundred Thousand Dollars, to be divided into ten thousand shares of Ten Dollars each; *Provided*, That the said Company may from time to time by a vote of the Stockholders, at a meeting called for that purpose, increase the capital stock to any amount so that it shall not at any time exceed Three Hundred Thousand Dollars; and *Provided*, Also, that any indebtedness of the Company secured by bond and mortgage may be made convertible into capital stock, under such regulations as the board of Directors shall for that purpose prescribe. Shares of stock shall be personal estate. Certificates of

Quorum of Commissioners.

Upon organization, Commissioners to pay over the 10 per cent.

When \$100,000 subscribed, Subscribers incorporated.

Name.

Corporate powers.

Except Banking.

Power to borrow money.

How secured.

Amount borrowed not to exceed one-half of capital stock for the time being.

Capital stock to be divided into 10,000 shares.

Proviso.

May be increased by vote of stockholders

Proviso.

Indebtedness convertible into capital stock

Shares of stock to be

personal
property.

Certificates
of stock
Assignable.
How.

stock signed by the President and Secretary, and sealed with the corporate seal, shall be delivered to each person for such share or shares of stock as by him or her are owned, which certificates of stock shall be assignable, in person or by attorney duly authorized in the presence of the Treasurer or Secretary, in a book to be kept by the corporation for that purpose.

Stockhold-
ers to elect
directors.
When.

SECTION 4. The Stockholders at their first meeting to be called by the Commissioners as before provided, and at each annual meeting thereafter to be held upon such day in each year as the by-laws may appoint, shall elect by ballot and by a majority of votes, seven directors, who shall be Stockholders, to continue in office until the annual meeting next after their election, and until successors are duly chosen. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors. At all elections and in determining all questions at Stockholders' meetings, each Stockholder shall be entitled to cast as many votes as he or she shall hold shares of stock, *Provided*, That after the organization of the Company a Stockholder shall be entitled to vote only with respect to stock which shall have been held by him or her for at least thirty days before the day of voting, and *Provided also*, that no one Stockholder shall cast votes for more than three-eighths of the whole number of shares of the capital stock for the time being. Votes may be cast either in person or by proxy, and a majority of the votes cast shall determine any question. Special meetings of the Stockholders may be called as the by-laws shall direct.

For what
term.

Vacancies.

How sup-
plied.

Stockhold-
ers to have
as many
votes as
they have
shares of
stock.

Proviso.

No stock-
holder shall
hold more
than three-
eighths of
capital stock

Powers of
Board of Di-
rectors.

President.
Secretary
and
Treasurer.
Employees.

By-laws.
Regulations.

Payment of
stock.

SECTION 5. The affairs and business of the corporation shall be managed by the Directors, four of whom shall constitute a quorum, and a majority of those present at a meeting shall determine any question. They shall elect one of their number President, and may appoint a Secretary and Treasurer, and employ such other officers, agents, and servants as they may deem necessary; may fix the compensation of such officers, agents, and servants, and take security by bond or otherwise for the faithful performance of their duties. They shall have power to make by-laws, rules and regulations for the government of the corporation, subject however to amendment, repeal or addition by the Stockholders at an annual meeting. They may call for the payment of the stock, subscribed at such times and in such instalments as they shall deem expedient, giving public notice of such call by advertisement published for at least two weeks in two newspapers of the City of Wilmington. The directors shall declare

dividends of so much of the net profits of the Company as Dividends. they shall deem expedient in the months of January and July of each year, which dividends shall be paid to the stockholders on demand ten days after the same shall have been declared; Provided, That no dividend shall be made except out of the No dividend to be made except out of net profits. net profits of the Company.

SECTION 6. If any subscriber to, or holder of the capital stock shall refuse or neglect to pay any instalment on the stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, (public notice of such call having been given as before provided,) the directors may either declare such stock forfeited, and sell the same for the benefit of the corporation, or may in the name of the corporation sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and interest thereon, at the rate of twelve per cent per annum; and no holder of such stock shall, during the time any instalment shall be due and unpaid, be entitled to vote at any meeting of the Stockholders, or to receive any dividends on the stock. Refusal of subscriber to pay instalment. Remedy.

SECTION 7. It shall be the business of the said corporation to locate, construct, operate and maintain a city railway for the carriage of passengers and freight for compensation within the city of Wilmington, with the privilege also of extending such railway to any place or places outside of the city, not more than six miles distant from the city limits. The said corporation shall have the exclusive right and privilege of locating, constructing, operating and maintaining a city railway within the city limits. The said railway shall commence near the depot of the Philadelphia, Wilmington and Baltimore Railroad Company, and thence shall extend to the intersection of Front Street and Market Street, by the street or streets most directly leading thereto; thence through and along Market Street to its intersection with Tenth Street; thence through and along Tenth Street and Delaware Avenue to such place or places as the directors may select, either within or without the city, not being more than six miles distant from the city limits. The railway or any part of the same to be constructed under this section may be laid with either a single or double track or at any time altered from the one to the other, as the directors shall deem expedient, and with all sidelings, turnouts, switches, and connections necessary for the proper working of said railway; and for locating, constructing, operating and maintaining the said railway, the Company shall have power to use and occupy so much of any street, avenue, Company authorised to construct and maintain City Railway. Railway to commence. Where. Course. Terminus. Single or double track. Power to use

and occupy streets. highway or turnpike within said city, as may be necessary; and for locating, constructing, operating, and maintaining any part of said railway outside of the city limits, the Company may use and occupy any public road of New Castle County, or if deemed expedient by the directors, may use and occupy any land other than a public road, the title to such land being first acquired as hereinafter directed, *Provided*, That the guage of said railway shall be five feet two inches, and that said railway shall be conformed as near as may be to the grades which now are or hereafter may be established for any street over which the same shall be located; and *Provided also*, That the said Company shall be required to keep the pavements in good repair within the rails of their tracks, and for the distance of three feet on each side thereof, and shall not interfere with the proper and free access to the culverts, water and gas pipes in the said city; and *Provided also*, That steam power shall not be used to propel the cars of the said company, unless with the consent of the City Council, and that in order to prevent accidents suitable bells shall be attached to the horses drawing the cars. The said railway may cross any track of any railroad company now incorporated, or hereafter to be incorporated, *Provided*, That it conform to the grade of the track to be crossed.

SECTION 8. The said corporation shall at any time have full power to locate, alter and extend its tracks through and along any streets, avenues, highways and turnpikes in the city of Wilmington, *Provided*, That the consent of the Council of the said city shall first be obtained so to do. And the said corporation shall at any time have full power to locate, alter and extend its tracks from said city to any place or places outside of the city, not more than six miles distant from the city limits. And with respect to any railway which may hereafter be located and constructed under the provisions of this section, the said corporation shall have and exercise all the rights and privileges, and be subject to all the duties and responsibilities which shall belong to or devolve upon the said corporation with respect to the railway to be originally located, constructed, operated and maintained under the provisions of this Act.

SECTION 9. Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation if the owner or owners of such lands, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the

Directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court for New Castle County in term time, or any Judge of the same in vacation, shall upon application by the Company, appoint five Commissioners (who shall be freeholders,) who shall go upon the premises, first giving notice of the time and place of their meeting to the President of the Company and to the owner or owners of the premises. if residing within the county, otherwise such notice shall be given to the tenant in possession of the premises. The Commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damages of such owner or owners to be sustained by the premises being taken for the use of the Company, taking into consideration all the advantages to be derived to the owner or owners by reason of said railway, and shall certify their proceedings, with their assessment, under their hands and seals, or the hands and seals of a majority of them to the Company; whereupon the said Company, upon recording the same in the office for recording Deeds in and for New Castle County, and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware at Wilmington, shall become entitled to hold, use, occupy, and enjoy the said premises, exclusively to it, its successors and assigns forever; *Provided*, That either party being dissatisfied with the damages so assessed, may, on application to the Prothonotary of New Castle County, within ninety days after such assessment shall have been recorded as aforesaid, sue out a writ of *ad quod damnum* requiring the Sheriff of said County in the usual form to inquire, by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the Jury duly made and returned by the Sheriff shall be final. If increased damages are found by the Jury the increased amount shall be paid or deposited by the Company as before provided; and if the damages be reduced the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party. The fee of a commissioner shall be one dollar per day, to be paid by the Company, and of a Juror, one dollar and fifty cents. The works of said Company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit as hereinbefore provided of the damages awarded by Commissioners, the title of the Company to enter upon, use, occupy and enjoy the premises inquired of and to hold the same to it, its successors and assigns shall become vested and perfect.

Commissioners to assess damages.

Provided.

ad quod damnum.

Costs.

Compensation of Commissioners.

title.

Vacancy.

How supplied.

Should a Commissioner appointed under this Section die or become incapable of acting before the commission is executed, any Judge of the Superior Court may fill the vacancy.

Penalty for
damaging or
obstructing
rail way.

SECTION 10. If any person or persons shall wilfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same or damage any of the works or property of said Company, such person or persons shall be liable to the Company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction thereof shall be fined not exceeding three hundred dollars at the discretion of the Court.

Charter perpetual.

Subject to
revocation
for misuse
or abuse.

SECTION 11. This charter shall be perpetual, subject nevertheless to be revoked by the Legislature at any time for the misuse or abuse by the Company of the privileges herein granted.

Railway according to
original
location to
be constructed by
July 1, 1866.

SECTION 12. It shall be the duty of the said Corporation fully to construct and equip the said railway according to the original location as provided for by this Act before the First day of July, in the year of our Lord one thousand eight hundred and sixty-five; otherwise this Act and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Public Act.
Inconsistent
Acts repealed.

SECTION 13. This Act shall be deemed and taken to be a public Act; and all Acts and parts of Acts of the General Assembly of this State inconsistent herewith shall be and the same are hereby declared to be repealed.

Passed at Dover, February 4, 1864.

CHAPTER 407.

An Act to repeal an Act entitled "An Act to amend an Act entitled 'A further supplement to the Act entitled 'An Act to authorize the owners and possessors of the marsh and low grounds commonly known and called by the name of the Culbreth Marsh, situate in the forest of Murderkiln and Dover Hundreds, in Kent County, to cut a ditch or drain through the same.' Vol. xi. 187

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Act entitled an Act to amend an Act entitled A further supplement to the Act entitled 'An act to authorize the owners and possessors of the marsh and low grounds, commonly called and known by the name of the Culbreth's Marsh, situate in the forest of Murderkiln and Dover Hundreds, in Kent County, to cut a ditch or drain through the same, passed at Dover March 4, 1857, be, and the same is hereby repealed and made null and void.* ^{Act.} ^{Amended.} ^{Repealed.}

Passed at Dover, February 4, 1864.

CHAPTER 408.

An Act to amend an Act entitled "A supplement" to an Act entitled "An Act to authorize the construction of a Public Bridge across Blackbird Creek, in New Castle County," passed at Dover, February 16, 1859. ^{Vol. 12. 75.} ^{Vol. xi. 661}

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That an Act entitled A supplement to an Act entitled "An act to authorize the construction of a public bridge across Blackbird Creek in New Castle County," passed at Dover, February 21, 1861, be, and the same is hereby amended by striking out of the 4th line of the 1st Section of said Act, the words "empowered and directed," and inserting in lieu thereof the words "and empowered," and also by striking out of the 18th line* ^{Act.} ^{How amended.}

of said Section, the word "shall" and inserting in lieu thereof, the word "may," and also by striking out of the 5th line of the 3d Section of said Act, the words "and duties;" and that in any edition of the laws of this State hereafter to be published, the said act shall be printed as hereby amended.

Passed at Dover, February 4, 1864.

CHAPTER 409.

An Act to cede certain lands to the United States of America.

Commissioners appointed to act in conjunction with agent of United States, to locate land not exceeding forty acres.

Limits within which location to be made.

Erection of soil and jurisdiction.

Provided that a fortification or pier be commenced within five years.

Plot to be made and recorded.

SECTION 1, *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Nathaniel W. Hickman, William D. Waples and James Ponder, be and they are hereby appointed commissioners on the part of the State of Delaware, and they, or a majority of them, are hereby authorized and empowered, in connection with any agent or person appointed by the President of the United States or by the Secretary of War, to locate and fix the boundaries of any quantity of land belonging to the State of Delaware, not exceeding two hundred acres, situate and lying on the Delaware Bay, south-east of the old mole, usually called the Government mole, and between said old mole and the point of Cape Henlopen, and the land belonging to the State of Delaware, located and designated by the boundaries, to be fixed and determined by the commissioners aforesaid, in conjunction with the agent or persons to be appointed as aforesaid by the President of the United States or by the Secretary of War, and all right, title and claim which this State has to the jurisdiction and soil of the same is hereby ceded for the purpose of erecting forts, batteries, fortifications, wharves, buildings or piers thereon, or below high water mark in the vicinity thereof, upon condition nevertheless that the erection of the said forts, batteries, fortifications, wharves, buildings or piers be commenced within five years from the passage of this Act, and that within that time a plot of the land so located and hereby ceded as aforesaid, be made and recorded in the Recorder's office in and for Sussex County; and provided also, that all process, civil or criminal issuing under the authority of this State may be

executed and served within the place the jurisdiction of which is hereby ceded as aforesaid in the same manner as if no such cession had been made, and Provided also, That the land hereby ceded shall be used for the purpose hereinbefore specified, and for no other purpose whatsoever; and Provided further, That no non-resident negro or mulatto shall be employed in the crection of any fort, battery, fortification or pier or for any purpose within the limits of the land hereby ceded.

Land ceded to be used for no other purpose.

No non-resident negro to be employed.

SECTION 2. *Be it further enacted by the authority aforesaid,* That the above cession of land and jurisdiction hereby made to the United States, is made upon the express and fundamental conditions hereinafter named; that is to say, upon the express and fundamental condition that slavery or involuntary servitude shall not be abolished within the limits hereby ceded, while slavery shall exist by law within the State of Delaware, and upon the further express and fundamental condition that no escaped or fugitive slave shall be permitted to remain within the limits hereby ceded, but shall be delivered up upon proof of ownership to the person, his agent or attorney, entitled to the labor or service of such escaped or fugitive slave; and also upon the further and express and fundamental condition, that if the United States of America shall fail to maintain and keep in repair any fort, battery, fortification or pier, erected or constructed on the land hereby ceded, for the space of five years, then and in that case all the claim, title and right of soil and jurisdiction of the United States, of, to and over the land ceded by this act, shall cease and determine, and the same shall revert to and revest absolutely in the State of Delaware.

Cession made upon the express condition that slavery shall not be abolished there while it exists in Delaware.

That no escaped or fugitive slave shall be suffered to remain.

That if the United States fail to maintain any fort &c. for five years, then to revert to this State.

SECTION 3. *And be it further enacted,* That the Act entitled "An Act to cede certain lands to the United State of America," passed at Dover, March 20, 1863, be, and the same is hereby repealed.

Vol. 12. 248.

Act repealed

Passed at Dover, February 4, 1864.

CHAPTER 410.

Vol. 13
21.

An Act to amend an Act entitled "An Act authorizing the Prothonotary of Kent County to copy Indices."

Preamble.

Whereas, by an Act of the General Assembly of the State of Delaware passed at Dover, February 12, 1861, certain duties were imposed upon Joseph P. Comegys, which he has not found, nor is likely to find, leisure to perform, and whereas, the said Joseph P. Comegys, for the reason explained, desires to be released from the performance of the duties imposed by said Act, and requests that the General Assembly shall authorize John O. Slay, to perform them in his stead; therefore,

Sec. 2.
amended.

How.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 2 of the Act entitled "An Act authorizing the Prothonotary of Kent County to copy Indices," passed at Dover, February 12, 1861, be, and the same is hereby amended by striking out the words "Joseph P. Comegys," in the third line of said Section, and inserting in lieu thereof, the words "John O. Slay."

Sec. 1
amended.

SECTION 2. *And be it further enacted,* That Section 1, of said Act be, and the same is hereby amended by striking out the words "sixty-one" in the tenth line of said Section, and inserting in lieu thereof, the words "sixty-four."

Passed at Dover, February 5, 1864.

CHAPTER 411.

An Act to lay out a Public Road in Little Creek Hundred, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Com-
mis-
sioners ap-
pointed to
lay out pub-
lic road.

SECTION 1. That Isaac Register, William Surgen, John Green, James Williams and Jonathan Brown, be, and they are hereby appointed to go upon the premises and with the assistance of a skilful surveyor, lay out a public road leading

from the Seven Hickories road, to the Bethel Methodist Episcopal Church, on the west side of the Delaware Railroad, and running thence in a southerly direction binding with the lands of the Delaware Railroad Company, passing through lands of McDaniel and Simpson, until it passes a short distance beyond a branch which divides the lands of the aforesaid McDaniel and Simpson, and lands of James S. Moore, thence crossing the Delaware Railroad at a point about seventy-five yards below the upper switch of said road, and running thence through lands of James S. Moore, on the east side of said Railroad, binding with lands of said Railroad, until it intersects the public road at Mooreton, leading from Shawn's Cross roads to Leipsic, the said Commissioners shall make a map of said road, showing its courses and distances, the woodland and cleared land through which it passes, and other proper notes, and shall assess the damages of every the owners and holders of said land on occasion of the said road, considering all circumstances of benefit or injury which may accrue therefrom, and shall compute the cost of opening and making such road, and of making the bridges and causeways therein separately, and shall make said map, assessment of damages and computation of cost, part of their return, and shall return their proceedings to the Court of General Sessions of the Peace and Jail Delivery at its then next Session. The effect of such return when the same shall have been made to the said Court of General Sessions of the Peace and Jail Delivery, shall be the same as if the said road had been laid out upon proceedings, had upon petition to the said Court of General Sessions of the Peace and Jail Delivery in and for Kent County to lay out a public road, and the same persons had been appointed by the said Court, and had duly made return of their proceedings laying out said road and the same had been confirmed by the said Court.

SECTION 2. *And be it further enacted by the authority aforesaid,* That all subsequent proceedings in relation to said road, shall be the same as provided in chapter 60 of the Revised Statutes in reference to public roads in Kent County, and when the said Court shall have approved the road it shall be deemed and taken as a public road of Kent County, and be subject to the same laws and regulations that govern other public roads therein laid out under the provisions of said chapter.

SECTION 3. *And be it further enacted,* That the Commissioners and surveyor before entering upon and viewing the premises, shall be severally sworn or affirmed faithfully and im-

Vacancy.
How supplied
Compensation.

partially to perform the duties incumbent on them respectively. Each of the said Commissioners may administer the oath or affirmation to the others and to the Surveyor; the majority may do or determine any matter. In case of a vacancy, another or other Commissioners may be appointed by the Governor, whose duties shall be the same as hereinbefore provided. The fee of the Commissioners, Surveyor and Chain Carriers shall be the same as provided by law for such services in case of laying out public roads and to be paid in like manner. The Court aforesaid shall tax the Surveyor's fee for the map and notes.

SECTION. 4. This Act shall be deemed and taken as a public Act.

Passed at Dover, February 9, 1864.

CHAPTER 412.

An Act in relation to overseers of roads in Kent and Sussex Counties.

Revised
Code.
179.
Sec 37 chap
60 Revised
Statutes
amended.
How.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 37 of Chapter 60 of the Revised Code of the State of Delaware be, and the same is hereby amended so far as Kent and Sussex Counties are concerned by striking out of said Section the words "one dollar," and inserting in lieu thereof these words, "such sum as shall be fixed by the Levy Court of Kent and Sussex Counties, respectively."

Passed at Dover, February 9, 1864.

CHAPTER 413.

An Act supplementary to an Act entitled "An Act regulating the sale of Intoxicating Liquors, &c." passed at Dover, March 6, 1861. Vol. 12, 167.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met :

SECTION 1. No person shall keep a tavern with the privilege of selling intoxicating liquors without having first obtained from the Clerk of the Peace a license for that purpose upon the recommendation of the Judges of the Court of General Sessions, the petition and license therefor, and the privileges thereof to be the same as under existing statutes. Tavern H-
ouse.
How ob-
tained.

SECTION 2. Strike out the words "Grand Jury given under the hands of the Foreman," in the 3d and 4th lines of Section 7 Chapter 108, passed at Dover, March the 6th, 1861, and insert in lieu thereof, the words, "Judges of the Court of General Sessions." Sec. 7, Chap.
108, Vol. 12,
171.
Amended,
how.

SECTION 3. That all Act and parts of Acts heretofore passed, which may conflict with or be contradictory to the provisions of this Act, be, and the same are hereby repealed, made null and void. Inconsis-
tent acts re-
pealed.

Passed at Dover, February 10, 1864.

CHAPTER 414.

A further additional supplement to an Act entitled "An Act to incorporate a Company for the purpose of cutting and making a Canal between the Chesapeake Bay and Bay or River Delaware, or the waters thereof."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein,)* That so much of the Act of the General Assembly, entitled "A further additional supplement to an Act entitled "An Act to incorporate a Company for the purpose of cutting and making a Canal Act.
Amended,
how.

between the Chesapeake Bay and Bay or River Delaware, or the waters thereof," passed at Dover the second day of February, 1839, as provides that the toll on square or round timber shall not exceed the rate of one dollar per hundred cubic feet, shall be altered and amended so as to allow the Chesapeake and Delaware Canal Company to charge and collect a toll on square or round timber, not exceeding the rate of one dollar and twenty-five cents per hundred cubic feet on said articles.

Rates of
charge.

SECTION 2. *And be it further enacted,* That so much of the original act of incorporation of the said Chesapeake and Delaware Canal Company as provides in the eighth Section thereof that every boat or vessel which has not commodities on board to pay the sum of four dollars shall pay so much as with the commodities on board will yield the sum of four dollars, and every empty vessel or boat four dollars, excepting as therein excepted, shall be altered and amended by this act so as to allow the Chesapeake and Delaware Canal Company, excepting as aforesaid, to charge on all such boats or vessels under forty tons the sum of four dollars and under eighty tons the sum of six dollars, on all such boats or vessels of eighty tons and under one hundred and twenty tons the sum of eight dollars, and on all such boats or vessels of and over one hundred and twenty tons the sum of ten dollars.

Passed at Dover, February 10, 1864.

CHAPTER 415.

Vol. 12, 220. *An Act to amend an Act entitled "An act in relation to free negroes and Mulattoes," passed at Dover, March 18, 1863.*

Section 1
amended.

How.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Act entitled "An Act in relation to free negroes and mulattoes," passed at Dover, March 18, 1863, be amended by adding after the word "State" in the ninth line of Section one the following, viz: "or as a servant in the employ of a citizen of this State, residing or being temporarily beyond the limits of the State."

Passed at Dover, February 10, 1864.

CHAPTER 416.

*An Act appointing Commissioners to lay out a public road in Sussex County.**Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Benjamin White, George Russell, Coard Warrington, Thomas J. Perry and Sheppard P. Martin be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a public road to begin at or near Bundick's Branch, from what is called and known by the name of the "Chapel Road," thence running through lands now in possession of Manaen Gum, called and known by the name of the "Rodney Tract," through lands of the heirs of George Waples, deceased, thence crossing the State road leading from Lewes to Georgetown along the lines of lands of John Lank and Derrick B. Morris through lands of Elhanan B. Reynolds, through lands of Isaac Johnson, (neg.,) thence across the branch below the Little Mill until it connects with the public road leading from the Little Mill to the public road leading from Warrington's Cross Roads to the State Road leading from Lewes to Milford; and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skilful surveyor, to be by them selected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the most remarkable places, and of the woodland, cleared land and improvements by and through which the same shall pass; and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of the costs of opening and making said road, making crossways and bridges, setting down the several items of said cost, and if a road shall be laid out, shall, in their return to be made to the Clerk of the Peace in and for Sussex County, set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said return the plot as aforesaid.

SECTION 2. The plot and return so to be made as aforesaid

Plot returned. by the said Commissioners shall be returned to the Clerk of the Peace in and for Sussex County aforesaid, to be by him laid before the Levy Court of said County, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court the same shall be and remain subject to the same regulations and laws as other public roads in said County.

SECTION 3. The said Commissioners and surveyor before performing their respective duties under this act shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath may be administered by either of said Commissioners or any public officer qualified to administer oaths. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed Commissioners* or Commissioners by any Judge of this State, or by any Justice residing within said County. The fee of the Commissioners shall be one dollar, and the fee of the surveyor two dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

Passed at Dover, February 10, 1864.

CHAPTER 417.

An Act to authorize the laying out a public road in Dagsboro' Hundred in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That John Hickman, Joshua Hunson, Minos Messick, John W. Short, and Burton J. Wingate be and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of a new public road in Dagsboro Hundred, in the County of Sussex, beginning at a road leading from the road called the Brookfield road, and thence by the nearest and best route across the lands of Robert B. Houston, James Williams, John L. Mumford, Eben Gray, lands late of Louder N. Harn, deceased, Manan Gum, and Joseph

*So in original.

Lewis, to a road called South West, at or near where the said Joseph Lewis now lives, called Newfoundland; and if they, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of some skillful surveyor, to be selected by them, lay out such new public road as they shall deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the course and distance thereof, with notes of the most remarkable places and of the woodlands, cleared lands, and improvements by or through which the same shall pass, and they shall assess the damages of every owner of said lands and improvements by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, bridges and causeways included, setting down the several items of said costs, and if a road be laid out, shall in their return set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said return the aforementioned plot.

Plot of.
Damages assessed.
Costs computed.
Return.

SECTION 2. *And be it further enacted,* That the plot and return so to be made as aforesaid by the said Commissioners shall be returned immediately upon the completion thereof to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court, and the said Levy Court, in and for the County of Sussex, may establish said road as a public road or highway, and may settle and pay such damages as shall have been assessed by said Commissioners to the persons severally entitled, and when said road shall have been so established as a public road by the Levy Court of said County, the same shall be and remain subject to the same regulations and laws as other public roads in Sussex County.

Plot returned when and where.
Levy Court may establish road.
And pay damages.
When road established, to be public.

SECTION 3. The said Commissioners and surveyor before performing their respective duties under this act shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath or affirmation may be administered by any officer qualified to administer oaths in said County, or either of said Commissioners may administer the same to any other of said Commissioners, or the surveyor. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them, and in case of a vacancy or vacancies from any cause, another or others may be appointed Commissioner or Com-

Commissioner and Surveyor to be sworn or affirmed.
Oath—by whom administered.
Vacancy—how supplied.

missioners by a Judge of this State, or by any Justice of the Peace in said County.

SECTION 4. *And be it further enacted,* That a reasonable compensation for their services under this act shall be allowed and paid the said Commissioners and surveyor by the Levy Court of Sussex County.

Passed at Dover, February 10, 1864.

CHAPTER 418.

An Act appointing Commissioners to change and straighten the course of a public road in Kent County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That James Jones, John Wright, Henry P. Massey, James W. Spruance, and Reece Lewis, be and they are hereby appointed Commissioners to go upon and view the public road in Duck Creek Hundred, leading from Clark's Mill to the Smyrna and Kenton road, and if in their judgment, or in the judgment of a majority of them, the public convenience would be promoted by changing the course of a part of said public road, they or a majority of them are hereby authorized to change and straighten said public road as follows: Beginning at an angle in said public road a little northward of John Green's dwelling house, and at or near Susan Bell's road gate, and running from thence in a northerly direction through lands of Susan Bell, lands of the heirs of George View, (n.), deceased, and lands of John P. Rees and John L. Bilderback till it terminates at a point in the aforesaid Smyrna and Kenton Road, westward of the dwelling house of the aforesaid John L. Bilderback, and at or near the mouth of the new road leading from the aforesaid Smyrna and Kenton Road to the*

SECTION 2. *And be it enacted by the authority aforesaid,* That the Commissioners aforesaid, or a majority of them are hereby authorized, with the assistance of some skilful surveyor, to be selected by them, to cause a map of the courses and distances of the road as hereby authorized to be changed and straightened, to be made out, and returned to the office of the Clerk

*Blank in original.

of the Peace, in and for Kent County aforesaid, with an estimate of the costs of opening said road for public travel, and an assessment of damages (if any are allowed) to the persons through whose lands the alteration in said road will pass.

Estimate of costs.
Damages assessed.

SECTION 3. *Be it further enacted*, That the Levy Court of Kent County may adopt the alterations and changes made by the Commissioners aforesaid, as a part of the road leading from Clark's Mill to the Smyrna and Kenton Road, and may make appropriations for opening the same for public travel; and the road when so opened shall be deemed and taken to be a public road, and that part of the old road superceded by the alterations and changes hereby authorized to be made, shall thereupon be vacated and may be enclosed by the persons through whose lands the said vacated portion of the old road passes, and in any proceedings against them for so doing they may give this act in evidence under the general issue as their sufficient justification.

Levy Court may adopt alterations.
And when opened, the road to be public.
Old road vacated.
This act evidence under general issue.

SECTION 4. *Be it further enacted*, That the Commissioners aforesaid before entering upon their duties under this act shall be severally sworn or affirmed to discharge the duties herein imposed impartially, and to the best of their skill and judgment, and may respectively administer the oath or affirmation to each other. They shall receive each the sum of one dollar for each day's attendance as Commissioners aforesaid to be allowed, together with all other costs, by the Levy Court of Kent County as in other cases.

Commissioners to be sworn or affirmed.
Compensation.

SECTION 5. *Be it further enacted*, That this act shall be deemed and taken to be a public act.

Public act.

Passed at Dover, February 11, 1864.

CHAPTER 419.

An Act to lay out a public road in Lewes and Rehoboth Hundred, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That Shephard P. Houston, Wm. D. Waples,

Commissioners appointed to lay out public road.

Committee of road.

To employ surveyor.

Plot.

Return.

Levy Court may adopt.

Commissioners to be sworn or affirmed.

Vacancy—how filled.

Compensation.

Thomas Walker, Nathaniel W. Nickman, and Joseph H. Dodd, be and they are hereby appointed Commissioners to go upon and view the premises, and determine whether there is need of a public road, to begin at the terminus of a public road leading from the town of Lewes, in Sussex County, to a bridge across Canary Creek over a public marsh to Broadkill Creek, crossing Ditch Creek in the route, and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skilful surveyor, to be by them selected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof with notes of the most remarkable places which the same shall pass, and they shall make a computation of the costs of opening and making said road, and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out shall in their return to be made to the Clerk of the Peace, in and for Sussex County, set forth a description of said road, and their determination that there is need of the same for public convenience, and shall annex to their said return the plot as aforesaid.

SECTION 2. The plot and return so to be made as aforesaid by the said Commissioners shall be returned to the Clerk of the Peace, in and for Sussex County aforesaid, to be by him laid before the Levy Court of said County, and the said Levy Court may adopt said road as a public road or highway, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said County.

SECTION 3. The said Commissioners and surveyor before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath may be administered by either of said Commissioners or any public officer qualified to administer oaths. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed Commissioner or Commissioners by any Judge of this State, or by any Justice residing within said County. The fee of the Commissioners shall be one dollar, and the fee of the surveyor two dollars for each day of actual service, with a proper compensation to the surveyor for his plot.

SECTION 4. *And be it enacted by the authority aforesaid, That the Commissioners of the Great and Beach Marshes, or a majority of them, are hereby authorized and empowered to expend the proceeds of the annual sales of salt hay on said marshes in the construction, building and repairing of said bridges and necessary causeways on the aforesaid road, and in the improvement of the navigation of Lewes Creek, Canary Creek and the Canal as they and the Commissioners of the town of Lewes, or a majority of them shall deem most advisable and proper.*

Commissioners of the Great and Beach Marshes. May expend proceeds of hay on road and on Lewes Creek.

SECTION 5. *And be it enacted by the authority aforesaid, That the aforesaid Marsh Commissioners, or a majority of them, are hereby authorized to cut, take and use such timber as may be necessary in constructing the bridges across Canary Creek and Ditch Creek, and the causeways necessary on said road from the Cape Henlopen Pinery.*

And to take necessary timber from Cape Henlopen Pinery.

SECTION 6. *Be it further enacted by the authority aforesaid, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.*

Inconsistent laws repealed.

Passed at Dover, February 11, 1861.

CHAPTER 420.

An Act to repeal an Act entitled "An Act to prevent swine running at large within certain limits of Kent County." Vol. 12, 166.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 104 of the Laws of the State of Delaware, passed at Dover, March 6, 1861, be and the same is hereby repealed and made null and void from and after the passage of this act.*

Chapter 104 Delaware Laws repealed.

Passed at Dover, February 11, 1861.

CHAPTER 421.

An Act appointing Commissioners of the Great and Beach Marshes]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Wil-*

Commissioners appointed for Great and Beach Marshes.

Powers.

liam D. Waples, Thomas A. Rowland, Nathaniel W. Hickman, P. B. Norman, and Shephard P. Houston, be and they are hereby appointed Commissioners of the Great and Beach Marshes, near Lewistown, in Sussex County, and are hereby invested with full and exclusive authority and control over said marshes, and may sell and dispose of the grass and hay thereof in the month of June in each and every year at public sale, giving notice by advertisements posted in three of the most public places in Lewes and Hundred one month before the day of sale, to the highest bidder or bidders for the same, the notices shall specify the time and place when and where the grass or hay will be sold.

Proceeds—how to be applied.

Accounts of

Surplus.

Term.

SECTION 2. *Be it enacted as aforesaid,* That the Commissioners aforesaid shall expend and apply the proceeds of the annual sales of the grass or hay sold as aforesaid from said marshes in aid of the construction and repairs of bridges and necessary causeways on any public road which may be laid out from Lewistown, across Canary Creek, over the public marsh to Broadkilm Creek, and to such other public improvements about Lewistown as they may deem proper. The said Commissioners shall keep an accurate account of all money coming into their hands from the annual sales of the grass or hay as aforesaid and the expenditures of the same, and shall deliver over any surplus to their successors to be chosen as hereinafter provided. They shall continue in office for four years from the first Saturday in April, in the year of our Lord one thousand eight hundred and sixty-four, and until successors shall be duly elected. The acts of a majority shall be as valid and as binding as if concurred in by all.

Successors—how and when elected.

Power of

SECTION 3. *Be it enacted as aforesaid,* That the qualified legal voters resident in Lewistown, may, on the second Saturday of April, in the year A. D. eighteen hundred and sixty-eight, and on the same day of April every four years thereafter elect by ballot five Commissioners for said marshes, who shall have all the authority and power conferred by this act upon the Commissioners herein appointed.

Inconsistent laws repealed.

SECTION 4. *Be it enacted as aforesaid,* That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Passed at Dover, February 11, 1864.

CHAPTER 422.

A further supplement to the Act entitled "An act to authorize the construction of a Railroad from the town of New Castle to the City of Wilmington." Vol. 18.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,) That the said original act be and the same is hereby amended as follows, to wit: strike out the word "Tuesday" in the second line of Section 7, and insert in lieu thereof the word "Thursday."*

Passed at Dover, February 11, 1864.

CHAPTER 423.

An Act for the payment of claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay the following claims:* State Treasurer authorized to pay certain claims.

To Andrew J. Calley, for copying financial report of the State, and for settling with late Sheriff of New Castle County in full to date,	85 00
" J. C. Pennewill, for attendance on Court of Errors and Appeals, in full to date,	4 50
" C. P. Johnson, for advertising, in full to date,	91 07
" James Kirk, for advertising, in full to date,	62 75
" Isaac Tunnell, for advertising in full to date,	7 50
" Joshua T. Heald, for ledger and day book for State Auditor,	15 00
" Mark G. Lofland, for expenses in moving army clothing, in full to date,	14 00

Passed at Dover, February 11, 1864.

CHAPTER 424.

An Act extending the term of office of Recorders of Deeds.

Rev. Code,
98.

Amended,
how.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 85 of the Revised Code, entitled "of Recorders of Deeds," be and the same is hereby amended as follows to wit: by striking out from the first line of Section 2 of said Chapter 85 the word "four" and inserting in lieu thereof the word "five;" and the said Chapter shall hereafter be read and construed as hereby amended.*

Terms of
office of pre-
sent record-
ers extend-
ed.

SECTION 2. *And be it further enacted, The terms of office of the present Recorders of Deeds in the several counties of this State shall be extended one year from the time when their commissions respectively will expire, notwithstanding anything contained therein.*

Passed at Dover, February 11, 1864.

CHAPTER 425.

An Act for the relief of persons subject to military duty.

Preamble.

Recites
order of
President
for draft.

WHEREAS, The President of the United States has issued a proclamation or order for a draft, to take place on the 10th day of March, A. D, 1864, unless before the first day of March aforesaid the requisite number of troops shall be obtained by volunteering.

That many
persons li-
able to draft
are unable to
leave home.

And are an-
xious to be
released
from draft.

AND WHEREAS many persons are liable to military duty in this State who cannot leave home for three years or during the war without ruin to themselves and families, and are anxious to be released from the draft to which they are liable and are unable to exempt themselves, if drafted; by paying the commutation money provided for in the act of Congress.

General As-
sembly de-
sires to re-
lieve them.

AND WHEREAS this General Assembly desires to relieve the people of this State so far as they have the power, and can do so within the scope of their Legislative functions, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every white person who shall on or before the first day of March, in the year of our Lord one thousand eight hundred and sixty-four, voluntarily enlist in the military service of the United States, for the period of three years or during the war, and who shall be duly credited to this State in any draft for a deficiency in the quota of troops required or to be required of this State under the call of the President of the United States, or any department of the Government having authority to make such call shall, upon satisfactory proof to the commissioners named in Section 3 of this act, or a majority of them, that he has voluntarily enlisted in the military service of the United States for the period aforesaid, and has been duly credited to this State as aforesaid, be entitled to and shall receive the sum of two hundred dollars as a bounty from this State, to be paid as hereinafter provided.

Every white person who shall on or before March, 1864, enlist and be credited.

shall receive bounty of \$200.

SECTION 2. *And be it further enacted by the authority aforesaid,* That in case the quota of this State shall not be filled by volunteers, and a draft or drafts upon the citizens of this State shall be made to fill said quota prior to the second Tuesday of September next, every white person drafted into the military service of the United States who shall deposit with the Commissioners named in Section 3 of this act the sum of one hundred dollars, to aid in exempting him from any draft as aforesaid by the payment of commutation money, shall be entitled to, and shall receive from this State the sum of two hundred dollars, to be applied to the payment of the commutation of such drafted white person as hereinafter provided. Any person claiming the benefit of this section shall produce before the Commissioners hereinafter named satisfactory proof that he has been duly examined by the Board of Enrollment, and found to be physically qualified for and has been drafted into the military service of the United States as aforesaid.

Every white person drafted.

Prior to second Tuesday in Sept. 1864, who shall deposit \$100 with Commissioner.

shall receive \$200, to be applied to payment of commutation money.

Proviso.

To produce proof that he has passed Board of Enrollment.

SECTION 3. *And be it further enacted by the authority aforesaid,* That John Pharoona, of New Castle County, William Townsend, of Kent County, and Charles Wright, of Sussex County, be and they are hereby appointed Commissioners under this act to perform the duties hereinafter required. Each of the said Commissioners shall have full power and authority to act and perform all the duties of a Commissioner as hereinafter specified, and shall receive for each day's service in the performance of his duties as Commissioner the sum of five dollars, besides the expenses necessarily incurred in the performance of said duties, and may draw on the State Treasurer upon his own order for the same.

Commissioners appointed.

Powers.

Compensation.

May draw upon State Treasurer.

Commissioners to draw warrants for \$200 for bounty in favor of whom.

And warrants for commutation money in favor of whom.

Proviso.

Whole amount not to exceed \$500,000.

State Treasurer authorized to borrow not exceeding \$500,000 to pay warrants of Commissioners.

Interest.

Compensation of Treasurer.

SECTION 4. *And be it further enacted by the authority aforesaid,* That the Commissioners named and appointed in Section 3 of this act, or a majority of them, upon satisfactory proof that any white person has voluntarily enlisted in the military service of the United States for the period of three years or during the war after the passage of this act, and before the first day of March, in the year of our Lord one thousand eight hundred and sixty-four, and has been accepted and mustered into said service, and been duly credited to the quota of this State in any draft upon this State for troops as aforesaid, are hereby authorized, empowered and required to draw a warrant upon the State Treasurer in favor of such person so volunteering, and credited to the quota of this State as aforesaid, for the sum of two hundred dollars for bounty as aforesaid; and they, or a majority of them, shall also have power and authority, and are hereby required and directed to draw warrants upon the State Treasurer in their own names for the sum of two hundred dollars for each white person who may be drafted into the military service of the United States, and produce satisfactory proof that he has been examined and found qualified as aforesaid, and who shall deposit with said Commissioners the sum of one hundred dollars as aforesaid, which said sum of two hundred dollars and the sum of one hundred dollars, deposited as aforesaid, shall be applied by said Commissioners to the payment of the commutation of such drafted white person: *Provided,* That the whole amount drawn for bounty for volunteers and for commutation of drafted white persons shall not exceed the sum of five hundred thousand dollars.

SECTION 5. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized, empowered and directed, at such time or times as he may deem necessary, to borrow one hundred thousand dollars, payable within five years from the passage of this act, one hundred thousand dollars, payable within eight years from the passage of this act, and such other and further sum or sums of money as may be necessary to pay the warrants drawn upon the State Treasurer by the Commissioners named in this act for the purposes aforesaid, and to pay the interest on the money so borrowed until otherwise provided for, payable within twelve years from the passage of this act: *Provided,* That the whole amount so borrowed shall not exceed the sum of five hundred thousand dollars, and that the faith of the State be and the same is hereby pledged for the payment of the said sum or sums so borrowed, with interest at the rate of six per centum per annum, payable semi-annually on the first day of July and the first day of January. The State Treasurer shall receive for his services under this act one-sixteenth of one per centum

on the money borrowed and paid out under this act. He shall report to the General Assembly on the second Tuesday of September next the whole amount so borrowed, the time or ^{Report to General Assembly.} times when the same will be due and payable, the amount paid out upon the warrants of the Commissioners aforesaid, and to meet the interest on the money borrowed as aforesaid.

SECTION 6. *And be it further enacted by the authority aforesaid,* ^{Vacancy—how filled.} That if either of the Commissioners aforesaid shall die or refuse or neglect to serve, the other Commissioners shall have power and are hereby authorized to fill the vacancy from the County in which the vacancy shall happen.

Passed at Dover, February 12, 1864.

CHAPTER 426.

Joint resolution of adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both branches of the General Assembly will, on Friday, the 5th day of February next, adjourn to meet again on the second Tuesday of September next, at 10 o'clock, A. M. ^{Adjournment to second Tuesday of September.}

Adopted at Dover, January 28, 1864.

CHAPTER 427.

Joint Resolution convening the two Houses of the General Assembly to elect an United States Senator.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Legislature of this State will on this day (Friday,) at 10 o'clock and 15 minutes A. M., in joint meeting, in the Hall of the House of Representatives, hold an election by ballot for the purpose of choos- ^{Election of U. S. Senator.}

ing a Senator from this State in the Senate of the United States, to fill the vacancy occasioned by the resignation of the Honorable James A. Bayard.

Adopted at Dover, January 29, 1864.

CHAPTER 428.

Joint Resolution approving of the course of the Hon. James A. Bayard.

Resolution
approving
course of
James A.
Bayard as
Senator.

Resolved by the Senate and House of Representatives of the State of Delaware, in joint meeting assembled, That the Hon. James A. Bayard having, for reasons set forth in his address in the Senate of the United States, on the 26th inst., resigned his position in that body, a position which for thirteen years he has filled with distinguished ability, reflecting honor alike upon himself and his State, we hereby express our high appreciation of his character as a Representative and ability as a statesman, and our endorsement and approval of his course as Senator from this State in the Congress of the nation.

Adopted at Dover, January 29, 1864.

CHAPTER 429.

Joint Resolution authorizing the Trustee of the School Fund to pay a certain sum of money to School District No. 25, in New Castle County.

Preamble.

WHEREAS the School Committee of School District No. 25, in New Castle County, in their certificate of the proceedings of the last annual meeting failed to state the fact that a tax had been laid and collected, in accordance with the provisions of law, and in consequence of this omission are unable to procure their proportion of the income from the School Fund of the State; and whereas it appears, by a certificate presented to this General Assembly, that a tax was laid as directed by law, Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Loxley R. Jacobs, Trustee of the School Fund be, and he is hereby authorized and directed to pay to the School Committee of School District, No. 25, in New Castle County, the sum due to them in the last distribution of the School Fund among the School Districts of said County.

Trustee of School Fund authorized to pay certain money.

Adopted at Dover, February 2, 1861.

CHAPTER 430.

Joint Resolution rescinding the Joint Resolution adjourning the two houses to the second Tuesday of September next.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the joint resolution adjourning the two houses from this day to the second Tuesday of September next, passed on January the 28th, 1861, be and the same is hereby rescinded.

Resolution of adjournment to second Tuesday of September rescinded.

Adopted at Dover, February 5, 1861.

CHAPTER 431.

Joint Resolution in relation to the State Library.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Superintendent of the State Library be, and he is hereby authorized to procure a suitable stove and cause the same to be fitted up in the Library Room, and to draw upon the State Treasurer for the cost of said stove and fitting it up as aforesaid; and if it should become necessary by reason of a failure in the supply of fuel for the State, he is also hereby authorized to provide fuel for said stove, and to draw upon the State Treasurer for the cost of the same.

Superintendent of State Library authorized to buy and put up stove, and to buy fuel, and to draw warrants.

Adopted at Dover, February 11, 1861.

CHAPTER 432.

Joint Resolution appointing a committee to prepare a bill to be presented at the adjourned session on the second Tuesday in next September, to provide for the payment of such sum or sums as shall be expended under the Act entitled "An Act for the relief of persons subject to military duty."

Committee
appointed to
draw and
report cer-
tain bill.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Gove Saulsbury and John Green on the part of the Senate, and James Williams, John Sorden and Isaac H. Bailey on the part of the House of Representatives be, and they are hereby appointed a committee to prepare a bill to be reported at the adjourned session to meet on the second Tuesday in next September, to provide means to meet the payments of principal and interest of such sum or sums as shall be expended under the provisions of an Act entitled "An Act for the relief of persons subject to military duty," passed at Dover, February 12th, 1864.

Adopted at Dover, February 12, 1864.

CHAPTER 433.

Joint resolution adjourning the General Assembly from February 12th to the second Tuesday of September next.

Adjourn-
ment to 2d
Tuesday of
September.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both branches of the General Assembly will, on this 12th day of February, 1864, adjourn to meet again on the second Tuesday of September next ensuing, at 10 o'clock, a. m.

Adopted at Dover, February 12, 1864.

TITLES OF PRIVATE ACTS.

CHAPTER 484.

An Act to divorce Luther T. Moore and Adaline his wife, from the bonds of matrimony.

Passed at Dover, January 12, 1864.

CHAPTER 485.

An Act to enable Thomas Slaughter to survey and locate certain Salt Marsh therein named, and complete his title to the same.

Passed at Dover, January 19, 1864.

CHAPTER 486.

An Act to divorce William Foreakers, of Joseph, and Mary Ann, his wife, late Mary Ann Watkins, from the bonds of matrimony.

Passed at Dover, January 21, 1864.

CHAPTER 487.

An Act to enable the executors of Giles Lambson, deceased, to sell and convey certain real estate.

Passed at Dover, January 21, 1864.

LAWS OF THE

CHAPTER 438.

An Act to enable William W. Dashiell to locate certain vacant lands in Broad Creek Hundred, Sussex County, and to complete his title to the same.

Passed at Dover, January 21, 1864.

CHAPTER 439.

An Act to authorize the Trustees of the Parsonage property belonging to the members of the Methodist Episcopal Church in the village of Newport, New Castle County, to sell or lease certain property in said village.

Passed at Dover, January 26, 1864.

CHAPTER 440.

An Act authorizing William Tharp, administrator of Bethuel Watson, to pay certain legacies.

Passed at Dover, January 27, 1864.

CHAPTER 441.

An Act to enable Samuel Burnham to cut a ditch through lands of Samuel Dale, (negro).

Passed at Dover, January 27, 1864.

CHAPTER 442.

An Act to divorce Charles H. Cattell and Ann B. Cattell, from the bonds of matrimony.

Passed at Dover, January 27, 1864.

CHAPTER 443.

An Act to revive and continue in force the Act entitled "An Act to enable Waitman Jones to locate certain vacant lands in North-West Fork Hundred, Sussex County, and to complete his title to the same," passed at Dover, February 15th, 1859.

Passed at Dover, January 28, 1864.

CHAPTER 444.

An Act to incorporate Hermann Lodge, No. 29, of the Incident Order of Odd Fellows, of the City of Wilmington, Delaware.

Passed at Dover, January 29, 1864.

CHAPTER 445.

An Act to vest in Philodemic Lodge, No. 7, I. O. O. F., the title to certain property therein mentioned.

Passed at Dover, February 2, 1864.

CHAPTER 446.

An Act to enable James A. Dodd, William A. Dodd, Ed-

LAWS OF THE

ward S. Tunnell and George M. Cooper, to locate certain vacant Marsh land in Lewes and Rehoboth Hundred, in Sussex County, and complete their title to the same.

Passed at Dover, February 2, 1834.

CHAPTER 447.

An Act to change the name of Williamina Stevens Henry to Maria Margaret Ashton Henry.

Passed at Dover, February 2, 1864.

CHAPTER 448.

An Act for the benefit of the heirs of Aaron Marshall, deceased:

Passed at Dover, February 3, 1864.

CHAPTER 449.

An Act to divorce Mary A. Milby, of Sussex County, Delaware, and Nathaniel Milby from the bonds of matrimony.

Passed at Dover, February 3, 1864.

CHAPTER 450.

An Act to divorce George W. Buchanan and Hannah Buchanan from the bonds of matrimony.

Passed at Dover, February 3, 1864.

CHAPTER 451.

An Act for the relief of Thomas D. Gregg.

Passed at Dover, February 4, 1864.

CHAPTER 452.

An Act to divorce Matilda Dickerson and James Dickerson, from the bonds of matrimony.

Passed at Dover, February 9, 1864.

CHAPTER 453.

An Act to divorce Mary Jane McGill and William McGill, from the bonds of matrimony.

Passed at Dover, February 10, 1864.

THE JOURNAL OF THE

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OF GREAT BRITAIN AND IRELAND

Volume 40. Part 1. 1910.

Published by the Royal Society.

SECRETARY'S OFFICE,

DOVER, March 22, 1864.

In obedience to the directions of Chapter 4, of the Revised Code, entitled "Of the passing and the publication of laws and of Journals" I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its adjourned session, commenced on Tuesday, January 12, A. D. 1864.

SAML. M. HARRINGTON, JR.,

Secretary of State.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT THE SPECIAL SESSION

OF THE

GENERAL ASSEMBLY.

**CONVENED BY HIS EXCELLENCY THE GOVERNOR OF
THE STATE.**

**COMMENCED AND HELD AT DOVER ON THURSDAY THE
TWENTIETH DAY OF JULY A. D. 1864.**

PUBLISHED BY AUTHORITY.

WILMINGTON:
HENRY ECKEL, PRINTER,
S. E. CORNER FIFTH & MARKET STS.
1865.

1. The first part of the book is a general introduction to the subject of the history of the world.

2. The second part of the book is a general introduction to the subject of the history of the world.

3. The third part of the book is a general introduction to the subject of the history of the world.

4. The fourth part of the book is a general introduction to the subject of the history of the world.

5. The fifth part of the book is a general introduction to the subject of the history of the world.

LAWS

OF THE

STATE OF DELAWARE.

CHAPTER 454.

An Act to authorize and empower the Register for the Probate of Wills and granting letters of Administration in and for Sussex County, to procure a press and new seal of office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John W. Register of Wills for Sussex Co.,* Scribner, Register for the Probate of Wills and granting Letters of Administration in and for Sussex County be, and he is hereby authorized and empowered to procure a press ^{authorized to procure a press and new seal.} and new seal for said office of Register in said County. The seal to be made of brass and of the diameter of at least one ^{how made.} and a half inches, and engraved with the devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the said office of Register in and for Sussex County, and shall thereafter be fixed to all writings, papers and records, where the seal of said office is required, and that the present seal then be broken up and destroyed by the said Register.

SECTION 2. *And be it further enacted, That the Levy Court and Court of Appeals in and for Sussex County shall, at its next session after the procurement of such seal and press by* ^{Levy Court of Sussex County to pay expenses.}

the Register aforesaid, make him an allowance for the necessary cost and expenses of procuring the said press and seal.

Passed at Dover, August 10, 1864.

CHAPTER 455.

An Act to prevent recruiting in the State of Delaware, for the benefit of any other State and for other purposes.

Preamble. WHEREAS, It has been represented to this General Assembly that persons from other States have come into the State of Delaware for the purpose of procuring recruits in this State for the benefit of and to be accredited to other States, and have procured such recruits, thereby diminishing our population and subjecting our citizens to great inconvenience, by increasing* the number liable to draft from this State: Now, therefore, for the purpose of preventing such recruiting:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from and after the passage of this Act, it shall be unlawful for any person or persons to induce, or procure, or cause to be induced or procured, any citizen, inhabitant or resident of this State, to be recruited for, or mustered or enlisted into the military or naval service of the United States or of any other State, Territory, or the District of Columbia, for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof: *Provided,* That nothing herein contained shall be deemed or taken to prevent recruiting within this State for the benefit of and to be credited to this State.

Unlawful to induce or procure any inhabitant, &c., to be recruited for benefit of any other State.

Proviso— not to prevent recruiting for benefit of this State.

SECTION 2. *And be it further enacted,* That if any person or persons shall hereafter induce or procure, or cause to be induced or procured, any citizen, inhabitant, or resident of this State to be recruited for, or mustered, or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia, for the benefit of

* Decreasing (?).

or to be credited to any such other State or Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter take or carry or caused to be taken or carried beyond the territory or jurisdiction of this State, any citizen, inhabitant or resident of this State for the purpose or with the intent of having any such citizen, inhabitant or resident recruited for, or mustered, or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia, for the benefit of, or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter induce or procure, or cause to be induced or procured any citizen, inhabitant or resident of this State, to go beyond the territory or jurisdiction of this State, for the purpose or with the intent of being recruited for, or mustered, or enlisted into the military or naval service of the United States, or of any other State or Territory, or the District of Columbia, for the benefit of or to be credited to any such other State, Territory, or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter solicit, persuade, endeavor or attempt to induce or procure any citizen, inhabitant or resident of this State to be recruited for, or mustered or enlisted into the military or naval service of the United States, or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State, Territory or the District of Columbia or any part or portion thereof; or if any person or persons shall hereafter attempt or endeavor to take or carry beyond the territory or jurisdiction of this State any citizen, inhabitant or resident of this State, for the purpose or with the intent of having such citizen, inhabitant or resident recruited for, or mustered or enlisted into the military or naval service of the United States, or of any other State or Territory or the District of Columbia for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter solicit, persuade, endeavor or attempt to induce or procure any citizen, inhabitant or resident of this State to go beyond the territory or jurisdiction of this State for the purpose or with the intent of being recruited for, or mustered or enlisted into the military or naval service of the United States, or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter aid, abet or assist in inducing or procuring any citizen, inhabitant or resident of this

Inducing, procuring, or causing to be induced or procured to be recruited for other States.

Take, carry, or cause to be taken or carried beyond the State to be recruited for other States.

Induce, procure, or cause to be induced or procured to go beyond this State to be recruited for other States.

Solicit, persuade, endeavor or attempt to induce or procure to be recruited for other States.

Attempt, endeavor to take or carry beyond the State to be recruited for other States.

Solicit, persuade, endeavor or attempt to induce or procure to go beyond this State to be recruited for other States.

Aid, abet, or assist in inducing or procuring to be recruited for other States. State to be recruited for or mustered or enlisted into the military or naval service of the United States, or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State or Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter aid, abet or

Aid, abet or assist in taking or carrying beyond the State to be recruited for other States. assist in taking or carrying beyond the territory or jurisdiction of this State, any citizen, inhabitant or resident of this State, for the purpose or with the intent of having such citizen, inhabitant or resident recruited for, or mustered or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State or Territory or the District of Columbia, or any part or portion

Aid, abet or assist in attempting or endeavoring to take or carry beyond this State to be recruited for other States. thereof; or if any person or persons shall hereafter aid, abet, or assist in attempting or endeavoring to take or carry beyond the territory or jurisdiction of this State any citizen, inhabitant or resident of this State for the purpose or with the intent of having such citizen, inhabitant or resident recruited for or mustered or enlisted into the military or naval service of the United States or any other State or Territory or the District of Columbia, for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof; or if any person or persons

Aid, abet or assist in inducing or procuring to go beyond this State to be recruited for other States. shall hereafter aid, abet or assist in inducing or procuring, any citizen, inhabitant or resident of this State to go beyond the territory or jurisdiction of this State, for the purpose or with the intent of being recruited for or mustered or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof;

Aid, abet or assist in soliciting or attempting to induce or procure to be recruited for other States. or if any person or persons shall hereafter aid, abet or assist in soliciting, persuading, endeavoring or attempting to induce or procure any citizen, inhabitant or resident of this State to be recruited for or mustered or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State or Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter aid, abet or assist in soliciting, per-

Aid, abet or assist in soliciting, endeavoring, persuading or attempting to induce or procure to go beyond the State to be recruited for other States. suading, endeavoring or attempting to induce or procure any citizen, inhabitant, or resident of this State to go beyond the territory or jurisdiction of this State, for the purpose or with the intent of being recruited for, or mustered, or enlisted into the military or naval service of the United States or of any other State, Territory or the District of Columbia, for the benefit of or to be credited to any such other State or Territory

or the District of Columbia or any part or portion thereof; or if any person or persons being within the territory or jurisdiction of this State, shall hereafter recruit for, or muster, or enlist into the military or naval service of the United States or of any other State, Territory or the District of Columbia, any citizen, inhabitant or resident of this State for the benefit of or to be credited to such other State or Territory or the District of Columbia, or any part or portion thereof; or if any person or persons shall hereafter aid, abet or assist another person or persons being within the territory or jurisdiction of this State in recruiting for, or mustering, or enlisting into the military or naval service of the United States or of any other State or Territory or the District of Columbia, any citizen, inhabitant or resident of this State for the benefit of or to be credited to any such other State, Territory or the District of Columbia, or any part or portion thereof; he, she, or they so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than two thousand dollars, nor more than five thousand dollars, and shall also be imprisoned not less than two years nor more than five years, and shall also pay the costs of the prosecution.

Or shall recruit for other State.

Or aid, abet or assist in recruiting for other States.

Penalty.

SECTION 3. *And be it further enacted*, That it shall be the duty of every Justice of the Peace in the State of Delaware, upon his own personal knowledge, or upon complaint being made to him, supported by the oath or affirmation of any credible person that an offence has been committed against the provisions of this act, to issue his warrant directed to the Sheriff or to any Constable of the County wherein such complaint is made, commanding said Sheriff or Constable forthwith to bring before him the person or persons charged or suspected, of committing said offence. Upon the arrest of the person or persons charged or suspected the Justice before whom he is brought shall hear the case so far as to determine whether the person or persons charged or suspected, ought to be discharged or be bound for his or their appearance at the next term of the Court of General Sessions of the Peace and Jail Delivery of the county wherein said offence is alleged to have been committed. The warrant and proceedings before the Justice of the Peace shall be as in other criminal proceedings and shall, as near as may be, be conformable to the provisions of chapter 97 of the Revised Statutes of the State of Delaware, relative to the powers and duties of Justices of the Peace in other criminal matters.

Justices of Peace,

Duty,

Proceedings

SECTION 4. *And be it further enacted*, That if any Justice of the Peace within the State of Delaware shall fail, neglect or

Penalty for failure or neglect to perform.

refuse faithfully and impartially to discharge or perform the duties enjoined upon him by the preceding section of this Act upon proper complaint verified by oath or affirmation made to him, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined one thousand dollars, and shall also pay the costs of the prosecution. The fees to Justices of the Peace for services under this Act shall be the same as in other criminal matters.

Fees to Justices.

Duty of Sheriffs, Coroners and Constables.

Penalty for neglect or refusal to perform.

SECTION 5. *And be it further enacted*, That it is hereby made the duty of every Sheriff, Coroner and Constable in the State of Delaware, to take care that this law shall be faithfully executed, and to make due and proper complaint to some Justice of the Peace in this State, of every violation of any of the provisions of Section 2, of this Act, that shall or may come to his knowledge. And if any Sheriff, Coroner or Constable in this State shall fail, neglect or refuse to comply with the provisions of this Section, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined one hundred dollars, and shall also pay the costs of the prosecution.

Not lawful to recruit except by authority of President of U States and for benefit of this State.

Penalty for violation.

SECTION 6. *And be it further enacted*, That it shall not be lawful for any person within the territory or jurisdiction of the State to recruit for or enlist in the military or naval service, except under the authority of the President of the United States and for the benefit of and to be credited to this State; and every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than two thousand dollars nor more than five thousand dollars, and shall also be imprisoned not less than two years nor more than five years, and shall also pay the costs of the prosecution.

Persons recruiting to transmit to Governor statement of recruits.

Statement to be filed in Secretary's office.

SECTION 7. *And be it further enacted*, That it shall be the duty of all and every person or persons within the territory or jurisdiction of this State, recruiting for the military or naval service of the United States under the authority of the President thereof, for the benefit of and to be credited to this State, once at least in every month, to transmit to the Governor of the State a written or printed statement, containing the names, ages, and color of every person and persons so recruited for, or enlisted or mustered into the military or naval service aforesaid, and also the time when, and the term for which each person is so recruited, mustered or enlisted into the military or naval service aforesaid: which statement shall be filed by the Governor in the office of the Secretary of State. And if any person so recruiting shall refuse, fail, or

neglect to perform the duty required of him by this Section, Penalty for refusal or neglect. he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than five hundred dollars, nor more than one thousand dollars, and shall also pay the costs of the prosecution.

SECTION 8. *And be it further enacted,* That it shall be the duty of the Governor of this State to cause all persons whose names shall be reported to him as directed by the preceding section of this Act, and all other persons who shall hereafter, within the territory or jurisdiction of this State, be mustered or enlisted into the military or naval services of the United States, and who shall come or be brought to his knowledge, to be duly credited by the government of the United States to the State of Delaware. Governor to cause such recruits to be credited to this State.

SECTION 9. *And be it further enacted,* That it shall be the duty of the Governor of this State to report to the next General Assembly and to every succeeding General Assembly of this State, that shall convene during the existence of the present war, the names, ages and color of all persons who may hereafter within the territory or jurisdiction of this State be recruited for, or mustered, or enlisted into the military or naval service of the United States, and who shall have come or be brought to his knowledge, and also the time when, and the term for which, each person was so recruited for, or mustered, or enlisted into the said service. Governor to report to General Assembly name and color of recruits.

SECTION 10. *And be it further enacted,* That the Governor of this State be and he is hereby requested immediately after the passage of this Act, to issue his proclamation, notifying the people of the passage hereof, and warning and forbidding all persons against the violation of any of the provisions hereof. Governor requested to proclaim the provisions of this Act.

Passed at Dover, August 10, 1864.

CHAPTER 456.

An Act to amend the Act entitled "An Act appointing Commissioners of the Great and Beach Marshes," passed at Dover, February the 11th A. D. 1864.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the

Act
amended.

Act entitled "An Act appointing Commissioners of the Great and Beach Marshes," passed at Dover, February the 11th A. D. 1864, be and the same is hereby amended as follows, to wit:

How.

1st. By adding after the word "Marshes" in the title of the Act, the words "Cape and Cape Marshes."

2d. By inserting after the word "Marshes" where it first occurs in Section one of said Act and before the word "near" the words "Cape and Cape Marshes."

3d. By striking out the word "June" where it occurs in Section 1 of the said Act, and inserting the word "July."

4th. By inserting after the word "the" and before the word "construction" in Section 2 of said Act, the words "navigation of what is commonly called Lewes Creek and of the"

5th. By striking out Section 4 of said Act, and inserting the following Section in lieu thereof.

Commis-
sioners au-
thorized to
sell certain
wood and
timber.

SECTION 4. *Be it enacted as aforesaid,* That the Commissioners herein appointed or those to be elected as their successors, be and they are hereby authorized to sell the wood and timber on the Cape and Cape Marshes at any time, without giving the notice required in the sale of grass and hay, but may sell or dispose of the same at any time. The sale or contract of any one of the Commissioners of the wood and timber on the Cape and Cape Marshes, shall be as valid as though concurred in by all, and the proceeds shall be accounted for and appropriated to the same uses as by this amendment the proceeds of the sale of the grass and hay are appropriated.

Account.

6th. By adding to the said Act the following as Section five:

Inconsistent
Acts
repealed.

SECTION 5. *Be it enacted as aforesaid,* That all laws and parts of laws inconsistent with the Act to which this is an amendment, and the Act as hereby amended, are hereby repealed, and it shall be the duty of the Secretary of State in publishing the Act as hereby amended, to publish the same as amended.

Passed at Dover, August 10, 1864.

CHAPTER 457.

An Act appointing Commissioners of the Great and Beach Marshes, as
AMENDED.*

*An Act appointing Commissioners of the Great and Beach Marshes,
Cape and Cape Marshes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William D. Waples, Thomas A. Rowland, Nathaniel W. Hickman, P. B. Norman, and Shephard P. Houston, be and they are hereby appointed Commissioners of the Great and Beach Marshes, Cape and Cape Marshes, near Lewistown, in Sussex County, and are hereby invested with full and exclusive authority and control over said marshes, and may sell and dispose of the grass and hay thereof in the month of July in each and every year at public sale, giving notice by advertisements posted in three of the most public places in Lewes and* Hundred one month before the day of sale, to the highest bidder or bidders for the same. The notices shall specify the time and place when and where the grass or hay will be sold.

Commiss-
sioners ap-
pointed for
Great and
Beach
Marshes,
Cape and
Cape
Marshes.
Powers.

SECTION 2. *Be it enacted as aforesaid,* That the Commissioners aforesaid shall expend and apply the proceeds of the annual sales of the grass or hay sold as aforesaid from said marshes in aid of the navigation of what is commonly called Lewes Creek and of the construction and repairs of bridges and necessary causeways on any public road which may be laid out from Lewistown, across Canary Creek, over the public marsh to Broadkiln Creek, and to such other public improvements about Lewistown as they may deem proper. The said Commissioners shall keep an accurate account of all money coming into their hands from the annual sales of the grass or hay as aforesaid and the expenditures of the same, and shall deliver over any surplus to their successors to be chosen as hereinafter provided. They shall continue in office for four years from the first Saturday in April, in the year of our Lord one thousand eight hundred and sixty-four, and until successors shall be duly elected. The acts of a majority shall be as valid and as binding as if concurred in by all.

Proceeds—
how to be
applied.

* Published, as amended, in pursuance of Section 5, of Chapter 456.

* So in original.

Successors
—how and
when elect-
ed.

Power of.

SECTION 3. *Be it enacted as aforesaid,* That the qualified legal voters resident in Lewistown, may, on the second Saturday of April, in the year A. D. eighteen hundred and sixty-eight, and on the same day of April every four years thereafter elect by ballot five Commissioners for said marshes, who shall have all the authority and power conferred by this act upon the Commissioners herein appointed.

Commis-
sioners au-
thorized to
sell certain
wood and
timber.

Account.

SECTION 4. *Be it enacted as aforesaid,* That the Commissioners herein appointed or those to be elected as their successors, be and they are hereby authorized to sell the wood and timber on the Cape and Cape Marshes at any time, without giving the notice required in the sale of grass and hay, but may sell or dispose of the same at any time. The sale or contract of any one of the Commissioners of the wood and timber on the Cape and Cape Marshes, shall be as valid as though concurred in by all, and the proceeds shall be accounted for and appropriated to the same uses as by this amendment the proceeds of the sale of the grass and hay are appropriated.

Inconsistent
Acts
repealed.

SECTION 5. *Be it enacted as aforesaid,* That all laws and parts of laws inconsistent with the Act to which this is an amendment, and the Act as hereby amended, are hereby repealed, and it shall be the duty of the Secretary of State in publishing the Act as hereby amended, to publish the same as amended.

CHAPTER 458.

An Act appointing Commissioners to lay out a Ditch and cross Ditches in Broad Creek and Dagsborough Hundreds in Sussex County.

Commis-
sioners ap-
pointed to
go upon
certain
lands in
Broad Creek
Hundred
Sussex Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Robert B. Houston, Joseph Ellis and William B. Layton, of Sussex County be, and they are hereby appointed Commissioners and are hereby directed to go upon the low lands of Alfred Phillips, Miers B. Short, Isaac B. Short, Thomas H. Burgess, Burton West, John W. Short, Cornelius D. West, Peter West and Priscilla Burton, situated in Broad Creek and Dagsborough Hundreds, Sussex County, and view the said low lands, and if they or a majority of them shall deem it necessary or proper, then they, or a majority of them shall, by the assist-

ance of some skillful surveyor, lay out such ditch or ditches as will be sufficient to drain and clear the said low lands of water by beginning at or near a division line between lands of George T. West and Alfred Philips in Pocomoke River, and thence by courses and distance, widths and depths up said River, crossing lands of the said Alfred Philips; Miers B. Short, Isaac B. Short, Thomas H. Burgess and upon land of Priscilla Burton, and also to lay out such cross ditches as may be necessary for said purpose.

To lay out ditch.
Beginning.

Courses.

SECTION 2. *Be it further enacted by the authority aforesaid,* That said Commissioners or a majority of them, shall ascertain as near as possible, the costs and expenses of laying out and making said ditches, and shall make an assessment equal to the amount of money so ascertained, by taxing every person, draining or causing to be drained any water into any ditch laid out under this Act, such person so draining or causing to be drained any water into any of the said ditches, shall be taxed according to the amount of such water, and the persons owning the lands through which said ditches pass shall be taxed according to the benefit of such ditches.

Costs and expenses.

Assessment.

SECTION 3. *Be it further enacted by the authority aforesaid,* That the said Commissioners or a majority of them shall, as soon as possible after the passage of this Act, proceed to lay out said ditches and make said assessment, and shall as soon as possible, make return to the Prothonotary of Sussex County of their proceedings, with a plot of said ditches and the amount of the assessment so made, and the amount of each person's tax so assessed.

Return to Prothonotary of Sussex County.

SECTION 4. *Be it further enacted by the authority aforesaid,* That said Commissioners or a majority of them shall, as soon as possible after making said return, convene the persons liable to contribute to said ditches, for the purpose of choosing from said contributors two managers and a treasurer of said ditches. Notice of the time and place of the meeting shall be given as is provided in chapter fifty-nine of the Revised Statute of the State of Delaware.

Managers, how chosen.

SECTION 5. *Be it further enacted by the authority aforesaid,* That if the said contributors should fail to meet according to said call, and choose such managers and treasurer as will serve and perform their duties, then in case of such failure the said Commissioners or a majority of them shall, within five days after such failure, appoint two managers and a treasurer of said ditches.

Failure to choose.

* So in original.

Duties and
powers of
managers.

SECTION 6. *Be it further enacted by the authority aforesaid, That* the duties and powers of the managers and treasurer of said ditches, shall be the same as is provided in chapter fifty-nine of the Revised Statute* of the State of Delaware.

Commissioner and
Surveyor
sworn.

SECTION 7. *Be it further enacted by the authority aforesaid, That* the said Commissioners and Surveyor before viewing the said low lands, shall be severally sworn to the faithful and impartial discharge of duty, and shall receive a compensation for their services to be agreed upon by themselves and said contributors.

Return to be
filed.

SECTION 8. *Be it further enacted by the authority aforesaid, That* when the said return is made, the said Prothonotary shall file the same in his office as other ditch returns are filed, and shall receive the same compensation as for other ditch returns.

Subsequent
Assessment.

SECTION 9. *Be it further enacted by the authority aforesaid, That* the said assessment as made and returned, shall remain in force for five years after such return, as the basis of any subsequent assessment that may be made by the managers, for the purpose of completing, repairing or cleansing said ditches or for paying said expenses.

Public Act.

SECTION 10. *Be it further enacted by the authority aforesaid, That* this Act shall be deemed and taken to be a public act.

Passed at Dover, August 11, 1861.

CHAPTER 458.

An Act to raise revenue for this State.

Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met, as follows:

Tax of ten
cents upon
every pas-
senger car-
ried in or
through the
State by
steam pow-
er, whether
on land or
water, sol-
diers and
sailors
excluded.

SECTION 1. Every person, corporation or association or company of persons not a corporation, engaged or that may hereafter engage in the business of transporting or carrying passengers by steam power, whether on land or water, in, through, upon, over or across any portion of this State, or within the territorial limits of the same, shall, on the first day of October next and thereafter monthly on the first day of

* So in original.

each month or within five days thereafter, pay into the hands of the State Treasurer for the use of the State, a tax at and after the rate of ten cents for every passenger so transported within this State during the month then just ended. *Provided*, That when the transportation of a passenger shall be by railroad and the direction and length of his journey shall be such as to require him to travel upon more than one road on the same occasion, there shall be but one tax paid to the State Treasurer and that shall be paid by the person, association or company or corporation upon the road used by which his journey begins. In estimating the number of passengers referred to in this section, all persons carried who are soldiers or sailors of the United States, shall be omitted.

SECTION 2. Within five days next after the end of any month, it shall be the duty of the person conducting the aforesaid business of transporting passengers or (in case an association or company of persons or corporation be so engaged) of said association, company or corporation, to make a statement to the State Treasurer, verified by the oath or affirmation of their Treasurer or Keeper of their funds, of the number of passengers carried on account of whom they are subject to the tax aforesaid, and also to pay over to him the tax or duty aforesaid. Any failure to do this shall, in the case of an individual person or company or association of persons not incorporated, so transporting or carrying passengers, be deemed a misdemeanor and subject the offender on conviction by indictment, to a fine of one thousand dollars; and in the case of a corporation, the said failure shall work a revocation of its charter and the same shall from thenceforth be deemed and taken to be and shall be absolutely revoked. And further, in case of any individual person or company or association of persons as aforesaid, so failing, it shall be unlawful for him or them thereafter to prosecute or conduct or be concerned in the carrying of passengers as aforesaid in this State, and if he or they shall presume to pursue said business, they shall be guilty of a misdemeanor, and on conviction by indictment, be punished by fine not less than one thousand dollars, and imprisonment not less than one year.

SECTION 3. The Court of Chancery shall have jurisdiction and power, and upon the application of the State Treasurer on behalf of the State, it shall be the duty of the Chancellor to restrain, by injunction process, any breach of this act, in carrying passengers, after failure to make the statement and payment or either of them, provided for by the second section of this act. And further, in case of any failure by any corporation to comply with the terms of this act applicable to it,

Statement under oath, by whom and when made, to whom returned.

Failure. Penalty for.

Court of Chancery to restrain breach of this act.

Duty of State Treasurer—and of Attorney General.

the State Treasurer shall report the fact immediately to the General Assembly, if in session, or at their next meeting either regular or adjourned, and also to the Attorney General, whose duty it shall be to proceed without delay against the said corporation in the proper tribunal, to carry the aforesaid revocation into effect.

Increase of
toll permitted.

SECTION 4. In case there be in the charter of any corporation liable to the provisions of this act, any clause or provision so restricting the amount of toll to be charged for the transportation of passengers as that this act would according to the present rate of charges by the said corporation operate unjustly against it, then it is hereby declared and enacted that the said corporation shall have the right to increase the said toll to the amount of the tax herein provided for.

Power of
State Treasurer
to collect.

SECTION 5. The State Treasurer shall have and exercise every necessary power to enable him to ascertain the tax payable according to the provisions of this act, and he may enforce the payment of the same and all the provisions of chapter 29, of the Revised Code of this State, conferring power, &c., upon that officer and his collectors in relation to the execution of the warrant issued to him by the Auditor for the collection of the State tax, shall be vested in and may be exercised by him and them in the collection of the tax provided by this act.

His official
bond extends to
money collected.

SECTION 6. The condition of the official bond of the State Treasurer shall extend to the money received under the provisions of this act, and to the performance of the duty of collecting the aforesaid tax, which duty is hereby imposed upon him.

Secretary of
State to
publish act.

SECTION 7. The Secretary of State shall cause a copy of this act, duly certified, to be published immediately in all the newspapers of this State, and to kept published therein for the space of three months.

Adopted at Dover, August 11, 1864.

CHAPTER 460.

An Act to legalize a certain act of the City Council of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That the action of the City Council of the City

of Wilmington of April 28th, 1864, closing that part of Read Street extending from the Wilmington and Christiana Turnpike to Monroe Street, is hereby confirmed and approved, and the said act of the City Council is hereby legalized.

Passed at Dover, August 16, 1864.

CHAPTER 461.

An Act for the payment of Claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and is hereby authorized and directed to pay the following claims :*

To James Kirk, for advertising in full to date, thirty-nine dollars and fifty-six cents.

To Edward Ridgely, for drawing bill, "An Act to prevent recruiting for other States," forty dollars.

To Zadoc L. Butler, for fitting up House and Senate Chamber for session of August 1864, fifteen dollars.

To John E. Parsons, for bill of ice, August 1864, seven dollars and nine cents.

To Joseph P. Comegys and Eli Saulsbury, for professional services rendered the General Assembly at the past and present sessions in giving opinions and preparing legislative measures, in full to date, two hundred and fifty dollars.

Passed at Dover, August 12, 1864.

CHAPTER 462.

An Act to relieve the People of this State from Draft.

WHEREAS, the President of the United States by his proc-

Preamble.

lamation of July 18, 1864, under the authority vested in him by an act of Congress, approved July 4, 1864, entitled "An Act further to regulate and provide for the enrolling and calling out the national forces and for other purposes," has called for five hundred thousand volunteers, and has ordered "that immediately after the fifth day of September, 1864, a draft for troops to serve for one year shall be had in every town, township, ward of a city, precinct or election district, or county not so subdivided, to fill the quota which shall be assigned to it under this call, or any part thereof which may be unfilled by volunteers on the said fifth day of September, 1864;" And whereas, the draft ordered as aforesaid would bring ruin and suffering upon many persons in this State liable to its operation and those dependent upon them for support and protection; And whereas, this General Assembly desires to avert from the people of this State the calamitous consequences of the proposed draft, so far as they can do so within the scope of their legislative functions: Therefore, without committing themselves or the people of this State to the purposes or objects of the present war, and solely from necessity, and to avoid greater suffering to the people of this State, whose involuntary service is demanded:

Every white person volunteering before Sept. 5, 1864, and credited to quota to receive \$20.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every white person, who shall after the passage of this act, and before the fifth day of September, in the year of our Lord, one thousand eight hundred and sixty-four, voluntarily enlist in the military service of the United States, for any period not less than one year, and who shall be duly credited to this State, in any draft for a deficiency in the quota of this State, under the call of the President, recited in the preamble to this act, shall, upon satisfactory proof to the Commissioners named in Section 4 of this act, or a majority of them, that he has voluntarily enlisted in the military service of the United States for any period not less than one year, and has been duly credited to this State as aforesaid, be entitled to and shall receive the sum of two hundred dollars as a bounty from this State, to be paid as hereinafter provided.

Every white person liable to draft under call of July 18, 1864, who may put in substitute before draft to receive \$500.

SECTION 2. *And be it further enacted by the authority aforesaid,* That every white person liable to the draft ordered by the President, as recited in the preamble to this act, who shall after the passage of this act, and prior to the draft ordered as aforesaid, furnish an acceptable substitute who shall be mustered into the military service of the United States, for any period not less than one year, and be duly credited to this State in any draft for a deficiency in the quota of this

State, under the call of the President aforesaid, shall be enlisted to and shall receive from this State the sum of five hundred dollars, to aid him in the procuration of such substitute, to be paid as hereinafter provided.

SECTION 3. *And be it further enacted by the authority aforesaid,* That in case the quota of this State under the call aforesaid of the President of the United States, shall not be filled by volunteers and by substitutes furnished prior to any draft to fill said quota and a draft or drafts upon the citizens of this State, shall be made to fill said quota, any white person in this State drafted into the military service of the United States, who shall furnish an acceptable substitute who shall be mustered into said service and accepted in lieu of said person so furnishing such substitute shall, be entitled to and shall receive from this State the sum of five hundred dollars to aid him in the procuration and payment of such substitute, to be paid as hereinafter provided.

Every drafted white man who may put in substitute under call aforesaid, to receive \$500.

SECTION 4. *And be it further enacted by the authority aforesaid,* That John Farsons of New Castle County, William Townsend of Kent County, and Charles Wright of Sussex County, be and they are hereby appointed Commissioners under this act to perform the duties hereinafter required. Each of the said Commissioners shall have full power and authority to act, and to perform all the duties of a Commissioner as hereinafter specified and shall receive for each days service in the performance of his duties as Commissioner, the sum of five dollars, besides the expenses necessarily incurred in the performance of said duties, and may draw on the State Treasurer upon his own order for the same.

Commissioners.

Compensation

SECTION 5. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person has voluntarily enlisted in the military service of the United States for any period not less than one year after the passage of this act and prior to the fifth day of September, A. D. 1864, and has been accepted and mustered into said service and been duly credited to the quota of this State, under the call of the President aforesaid, the Commissioners named and appointed in Section 4 of this act, or a majority of them are hereby authorized, empowered and required to draw a warrant upon the State Treasurer in favor of such white person so volunteering and credited to the quota of this State as aforesaid, for the sum of two hundred dollars for the bounty provided for in Section 1 of this act.

Proof of enlistment.

Duty of Commissioners.

SECTION 6. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person in this

Proof of
substitution
before draft.

State liable to be drafted into the military service of the United States under the draft ordered by the President of the United States as aforesaid, has, after the passage of this act and before such draft shall take place, furnished an acceptable substitute, who has been mustered into the military service of the United States, and been accepted in lieu of the person so furnishing such substitute, and been duly credited to the quota of this State, under the call aforesaid, it shall be the duty of the Commissioners named and appointed in Section 4 of this act, and they or a majority of them are hereby authorized, empowered and required to draw a warrant in favor of such white person so furnishing such substitute, upon the State Treasurer, for five hundred dollars, as provided in Section 2 of this act, to aid him in the procuration and payment of such substitute.

Duty of
Commissioners.

Proof of
substitution
after draft.

SECTION 7. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person in this State who shall have been drafted into the military service of the United States under any draft made to fill the quota of this State, under the call of the President aforesaid, has furnished an acceptable substitute, who has been mustered into the said service and accepted in lieu of such drafted white person, it shall be the duty of the Commissioners named and appointed in Section 4 of this act, and they or a majority of them are hereby authorized, empowered and required to draw a warrant in favor of such drafted white person so furnishing such substitute, upon the State Treasurer, for five hundred dollars as provided in Section 3 of this act, to aid him in the procuration and payment of such substitute.

Duty of
Commissioners.

No aid after
quota is
filled.

SECTION 8. *And be it further enacted by the authority aforesaid,* That the provisions of Sections 1 and 2 of this act, shall not extend to or be applicable to any person volunteering in the military service of the United States, or furnishing a substitute after the quota of this State under the call aforesaid of the President of the United States shall have been filled, nor shall the Commissioners named in this act have authority to draw warrants upon the State Treasurer in favor of any person volunteering or furnishing a substitute after the quota of this State shall have been filled as aforesaid.

State Treasurer
authorized to
make
bonds.

SECTION 9. *And be it further enacted by the authority aforesaid,* That for the purpose of providing funds to meet the warrants authorized to be drawn by the Commissioners aforesaid, for the purposes aforesaid, the State Treasurer be and he is hereby authorized, empowered, directed and required to cause to be made the bonds of this State to an amount not exceeding

one million dollars; the said bonds to be made of the denomination of one thousand dollars each, and to be payable on or before the first day of January in the year of our Lord one thousand eight hundred and eighty-five, and to bear interest at the rate of six per centum per annum, payable semi-annually on the first day of July, and the first day of January in each and every year, at the Farmers' Bank of the State of Delaware at Dover, and shall be in the following form to wit:

"UNITED STATES OF AMERICA."

"These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which she binds herself to pay to the bearer on or before the first day of January A. D. 1885, with interest at the rate of six per centum payable at the Farmers' Bank of the State of Delaware, at Dover, on the first day of January and July until the principal be paid. Dated at Dover the first day of January A. D. 1865."

"Witness the Great Seal of the said State, and the hands of the Governor, Secretary of State and State Treasurer."

{ L. S. }

Governor.

Secretary of State.

State Treasurer.

The said bonds shall each be dated the same day, shall be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the Great Seal affixed and may be post-dated so as to bear interest from the first day of January A. D. 1865.

SECTION 10. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized, empowered and required to sell and deliver such number of said bonds as may be necessary to provide the funds required to pay the warrants authorized to be drawn upon him by the Commissioners named and appointed in Section 4 of this act. The sale of said bonds shall be made publicly in the city of Wilmington to the highest bidder, due notice of said sale, fixing the day, hour and place, having first been given by advertisement for ten days in all the papers of this State and in the "Public Ledger" and "The Age," newspapers published in the City of Philadelphia, and in the "Journal of Commerce" a newspaper published in the City of New York. *Provided,* That the bonds sold at any one time shall not exceed in amount the sum of two hundred and fifty thousand dollars.

Bonds to be sold, how, when, where.

Advertisements.

SECTION 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the State Treasurer, after the said bonds shall have been signed by the Governor and Secretary of State, with the Great Seal affixed, to deposit said bonds in the Farmers' Bank of the State of Delaware, at Dover, without his own name affixed thereto, and the said bonds shall not be taken therefrom except for the purpose of selling, as provided in Section 10 of this act, nor shall the State Treasurer sign his own name to said bonds until the day on which he shall offer the same for sale as aforesaid.

Bonds,
where to be
deposited.

SECTION 12. *And be it further enacted by the authority aforesaid,* That the faith of this State is hereby firmly and faithfully pledged for the payment of the principal and interest of said bonds.

Faith of
State
pledged.

SECTION 13. *And be it further enacted by the authority aforesaid,* That for the purpose of meeting any demands upon the Treasury created in consequence of this act, until the bonds authorized by this act can be sold, the State Treasurer be and he is hereby authorized, empowered and required to borrow from time to time, and on such time as he may deem necessary, not exceeding sixty days, any sum or sums not exceeding one hundred thousand dollars which may be required for that purpose, to be paid out of the proceeds of the sales of the bonds of this State aforesaid.

State Treas-
urer au-
thorized to
borrow
money

SECTION 14. *And be it further enacted by the authority aforesaid,* That the proceeds of the sales of the bonds authorized by this act are hereby appropriated to the payment of the warrants authorized by this act to be drawn upon the State Treasurer, and to the expenses necessarily incurred by that officer in the performance of the duties imposed upon him by this act, and to the payment of any money borrowed under the provisions of Section 13 of this act.

Proceeds of
bonds how
applied.

SECTION 15. *And be it further enacted by the authority aforesaid,* That the State Treasurer shall receive for his services under this act, one-tenth of one per centum on the amount received from the sale of said bonds and shall be allowed in addition thereto all expenses necessarily incurred in the performance of the duties required of him by this act: *Provided,* That the whole amount of compensation to said State Treasurer above the expenses incurred as aforesaid shall not exceed the sum of five hundred dollars. He shall keep an accurate account of such expenses and exhibit the same to the Auditor of Accounts with his vouchers for settlement. He shall report to the General Assembly of the State, on the third Tuesday in

State Treas-
urer to
receive one-
tenth of one
per cent.

Compensa-
tion not to
exceed
\$500.
Account,

Report.

January next, the number and denomination of the bonds sold and the amount realized therefrom, with the names of the purchasers of said bonds and the amount applied by him to the payment of the warrants authorized to be drawn upon him by this act. He shall be liable upon his official bond for the faithful performance of the duties imposed by this act.

Liab. on his bond.

SECTION 16. *And be it further enacted by the authority aforesaid,* That if either of the Commissioners named in this act shall die or refuse or neglect to serve, the other Commissioners or Commissioner shall have power and are hereby authorized to fill the vacancy, from the county in which the vacancy shall occur.

Commissioners, vacancy, how filled.

SECTION 17. *And be it further enacted by the authority aforesaid,* That the State Treasurer shall not sell the bonds aforesaid to a greater amount than may be necessary to pay the demands upon the Treasury created by this act, and it shall be the duty of said State Treasurer immediately after full provision has been made by the sale of a sufficient number of said bonds to pay such demands, to cancel in the presence of the President and Cashier of the Farmers' Bank of the State of Delaware at Dover all bonds of the State remaining unsold and on deposit in said Bank.

Sale of bonds limited. Surplus bonds how cancelled.

Passed at Dover, August 12, 1864.

CHAPTER 463.

An Act to amend Chapter 125 of the Revised Code.

WHEREAS, the present depreciation of the currency of the country has rendered it very difficult in many instances to procure the services of competent persons to execute the orders issued by the several Courts of this State in cases of surveys and divisions of intestate lands in the Orphan's Court, partitions in the Court of Chancery, ejectments in the Superior Court, the marking and bounding of disputed lines and the laying out of public roads, &c. Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That from

Courts to
fix compensation.

and after the passage of this act, it shall and may be lawful for the Courts of this State to fix the compensation of all persons properly employed as Surveyors, chain-carriers, ax-men, target bearers, freeholders, commissioners, witnesses and all other persons necessary to the economical execution of any order of any of the Courts of this State in any of the cases referred to in the preamble to this act, and shall also make a just and fair allowance to the person having in charge the procurement of the execution of any such order for his services in the premises, including the board and accommodations of persons properly employed in and about the execution of said work, and all such charges and the expenses so incurred in and about the premises shall be a joint charge upon all the parties interested in such work in proportion of their respective interests therein.

Inconsistent
acts re-
pealed.

SECTION 2. *And be it further enacted by the authority aforesaid,* That all such portions of Chapter 125 as are inconsistent with the provisions of the first section of this act be, and the same are hereby repealed, made null and void.

Passed at Dover, August 12, 1864.

CHAPTER 461.

An Act to provide for the payment of the principal and interest of the lately created debt of this State.

Preamble

WHEREAS, by an act passed at the adjourned session held on the twelfth day of January last, the State Treasurer was authorized to borrow for the use of the State a sum not exceeding five hundred thousand dollars, to be applied to furnishing commutation money to citizens of this State drafted into the army of the United States, under which there has been borrowed the sum of two hundred and thirty thousand dollars from the Banks, and in the sums following, that is to say:

From the Farmers' Bank at Dover, seventy-five thousand dollars.

“ “ Branch at Georgetown, seventy-five thousand dollars.

“ “ Branch at New Castle, twenty thousand dollars.

“ “ Bank of Smyrna, ten thousand dollars.

“ “ Union Bank of Delaware, twenty-five thousand dollars.

“ “ Bank of Delaware, twenty-five thousand dollars.

And whereas, no special provision was made in the said act for the payment of said money or the issuing of evidences of indebtedness therefor, and it being proper and just that the public creditors should be secure of the prompt and full payment of the principal and interest of their several advances to the State, and have the evidence thereof: Now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. The State Treasurer be and he is hereby authorized and required to cause to be made as soon as conveniently may be, and to be delivered to each of the said Banks one bond of this State, to secure the payment of every thousand dollars borrowed of it, the form of which shall be as follows :

State Treasurer authorized to make and deliver bonds.

“ UNITED STATES OF AMERICA.

“ These presents certify and make known that the State of Delaware is held and firmly bound unto (the name of the Form. Bank) in the sum of one thousand dollars lawful money of the United States of America, which she binds herself to pay to the said Bank or bearer, on or before the first day of January A. D. 1875 with interest at the rate of six per cent. per annum payable at the Farmers' Bank of the State of Delaware, at Dover, on the first day of January and July of each and every year, until the principal be paid. Dated at Dover, the first day of January A. D. 1865.

“ Witness the Great Seal of the said State and the hand of the Governor, Secretary of State and State Treasurer.

{ L. S. }

Governor.
Secretary of State.
State Treasurer.”

The said bonds shall each be dated the same day, shall be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the Great Seal affixed. Such interest as may have accrued on the original loan up to the time of the date of said bonds, shall be paid by the State Treasurer at the time of the delivery of said bonds which may be post-dated so as to save the loss of any interest now prepaid.

Expenses. SECTION 2. All expenses attending the execution of this act shall be borne out of the Treasury, and a sufficient sum for that purpose is hereby appropriated, and the State Treasurer is authorized to use it therefor, and is required to account to the Auditor for such expenditure.

Faith of State pledged. SECTION 3. The faith of the State is hereby firmly and faithfully pledged for the payment of the principal and interest of the said bonds.

Passed at Dover, August 12, 1864.

CHAPTER 465.

Joint Resolution referring the Governor's Message.

Governor's Message referred to Joint committee. *Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Message of the Governor be referred to a joint committee of the two houses, consisting of three members on the part of the Senate, and five members on the part of the House of Representatives, with leave to report by bill or otherwise.*

Adopted at Dover, July 28, 1864.

CHAPTER 466.

Joint resolution of adjournment.

Adjournment. *Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two houses adjourn this day, they adjourn to meet on Tuesday morning, the 9th inst., at 10 o'clock, a. m.*

Adopted at Dover, August 3, 1864.

CHAPTER 467.

Joint resolution relating to the enlistment of colored troops.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Governor of the State be and he is hereby requested to furnish to the General Assembly, at his earliest convenience, all the information in his possession, in relation to the enlistment of negroes from this State into the military service of the United States, what proportion of them were slaves and what free, whether such enlistments were made by officers acting under authority of the United States, or by authority of this State. If under authority of the United States, whether it was at the solicitation of the State authorities or any individual of the State; and also whether all negroes so enlisted have been accredited to the State and districts where they resided at the time of enlistment.

Governor requested to furnish certain information concerning enlistments of colored troops.

Resolved by the authority aforesaid, That the Clerk of the House of Representatives be directed to transmit a copy of the foregoing resolution to the Governor, as soon as it is adopted by the General Assembly.

Clerk of House to transmit copy.

Adopted at Dover, August 3, 1864.

CHAPTER 468.

Joint resolution appointing Zadoc L. Butler to take charge of the Legislative Chambers.

WHEREAS, By a Joint resolution of this General Assembly adopted at Dover, March 25, 1863, John Wyatt was appointed to take charge of the Legislative Chambers, and has since that time been absent from this State: And whereas, Zadoc L. Butler has performed the services required of the said John Wyatt by said resolution since the time of his absence as aforesaid: Therefore,

Preamble.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Zadoc L. Butler be and he is hereby appointed to take charge of the Senate

Zadock J. Butler directed to take care of Senate Chamber and Hall of House. Duties and compensation.

Chamber and Hall of the House of Representatives and to take care of the furniture belonging to the same. He shall discharge all the duties specified in said resolution adopted March 25, 1863, and for his services shall be entitled to the compensation therein mentioned, from and after March 26, 1864.

Adopted at Dover, August 10, 1864.

CHAPTER 469.

Joint resolution in relation to the message of the Governor sent to the two houses in reply to the Joint resolution of Inquiry, adopted at Dover, August 3, 1864.

Clerk directed to return certain message.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the two Houses be, and they are hereby directed to return to the source from which it emanated, the communication sent to the two Houses by the Governor, on the 9th inst., as unworthy their consideration, and unfit to remain upon the files of either house.

Adopted at Dover, August 11, 1864.

CHAPTER 470.

A Resolution to inspire and justify confidence in such persons as may become public creditors.

Faith of the State pledged to provide funds for payment of bonds.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the faith of this State be and the same hereby is solemnly pledged, that this General Assembly will, in addition to the taxation already provided for that purpose, by the act passed at the present session, entitled "An Act to raise revenue for this State," exert its taxing power to the utmost, if necessary, before it finally adjourns, to provide ample funds to secure the prompt

payment of the interest of the bonds authorized to be issued at this session, and also the payment of the full amount of the principal of said bonds at or before the maturity of the same.

Resolved, That a copy of this resolution duly certified by the Speaker of each House and countersigned by the Clerks, be delivered forthwith to the State Treasurer, who is hereby required to cause the same to be read at the time and place of the sale of the bonds of the State authorized to be disposed of by the act passed at the present session, entitled "An act to relieve the people of this State from draft."

Copy to be delivered to State Treasurer.

Duty of Treasurer.

Adopted at Dover, August 12, 1864.

CHAPTER 471.

Joint resolution of adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That both branches of the General Assembly will, on this 12th day of August, 1864, adjourn to meet again on the third Tuesday of October next ensuing, at 10 o'clock, a. m.

Adjournment.

Adopted at Dover, August 12, 1864.

CHAPTER 472.

A Joint resolution appointing John D. Burton to furnish Stationery, &c., for the next General Assembly.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That John D. Burton be and he is hereby authorized and requested to purchase the necessary wood, coal, oil and stationery, for the next session of the

John D. Burton authorized to

purchase
wood, coal,
oil and
stationery.

Legislature, and the said John D. Burton is hereby directed to present his account and vouchers to the Legislature at its next session for allowance.

Passed at Dover, August 12, 1861.

CHAPTER 473.

Joint resolution appointing Commissioners to aid the State Treasurer in the performance of certain duties.

Commissioners appointed to aid State Treasurer.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That Joseph P. Comegys, Jesse Sharpe and Eli Saulsbury be and they are hereby appointed Commissioners, to aid and assist the State Treasurer in the entire execution and performance of his duties, in the sale of the bonds of this State provided for by the act passed at this present session entitled "An act to relieve the people of this State from the draft."

Adopted at Dover, August 12, 1861.

CHAPTER 474.

Joint resolution authorizing the Clerks of the two Houses to proceed with the publication of their Journals.

Clerks directed to publish Journals.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the two houses be directed to proceed with the publication of their Journals for the adjourned session commencing on the 12th day of January, 1864, and the special session commencing on the 28th of July, 1864, in the manner and form prescribed by the Joint Resolution adopted at Dover, March 25, 1863.

Adopted at Dover, August 12, 1861.

CHAPTER 475.

Joint resolution to amend the Joint resolution of adjournment, passed February 12, 1864.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Joint Resolution adjourning both branches of the General Assembly on the 12th day of February 1864, to meet again on the second Tuesday of September next ensuing, at 10 o'clock, a. m., be and the same is hereby amended by striking out in the sixth line thereof the words "second Tuesday of September" and inserting in lieu thereof the words "third Tuesday in October."

Amendment of Joint resolution of adjournment.

Adopted at Dover, August 12, 1864.

SECRETARY'S OFFICE,

DOVER, September 1, 1864.

In obedience to the directions of Chapter 4, of the Revised Code, entitled "Of the passing and the publication of laws and of Journals" I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its special session commenced on Thursday, the twenty-eighth day of July A. D. 1864.

SAM'L M. HARRINGTON, JR.,

Secretary of State.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT AN ADJOURNED SESSION

OF THE

GENERAL ASSEMBLY.

HELD AT DOVER ON TUESDAY THE TWENTIETH DAY OF
OCTOBER A. D. 1864,

AND OF THE INDEPENDENCE OF THE UNITED STATES THE EIGHTY-NINTH.

PUBLISHED BY AUTHORITY.

WILMINGTON:
HENRY ECKEL, PRINTER,
S. E. CORNER FIFTH & MARKET STS.
1865.

LAWS
OF THE
STATE OF DELAWARE.

CHAPTER 476.

An Act in relation to recognizances in the Orphans' Court.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, as follows, to wit:

SECTION 1. If any person now entitled or hereafter to become entitled to a share of money, secured by any recognizance which has been or hereafter may be taken and acknowledged in the Orphans' Court of either of the counties of this State, pursuant to any of the provisions of Chapter 85 of the Revised Code, shall be, at or after the time appointed by the condition of such recognizance for the payment of the money thereby secured, a non-resident of this State or unknown, or if from any cause there shall be, at or after such time of payment, no known person competent to receive such share and execute a valid discharge therefor, the recognizer or recognizers, his, her or their executors or administrators, or any person or persons owning real estate subject to the lien of such recognizance, may prefer, to the Court in which such recognizance shall have been acknowledged, a petition setting forth the premises, and paying relief under the provisions of this act; and thereupon the Court, upon being satisfied that a person entitled to a share of money secured by such recognizance, is so non-resident or unknown, or that there is no known person competent to receive such share and execute a

If person entitled to share of a recognizance in Orphans' Court is non-resident or unknown, or cannot give valid discharge, the recognizer or his representative may petition for relief.

Court shall
order pay-
ment of mo-
ney into
Court.
When.
Costs
Effect of
payment.
Entry.

valid discharge therefor, shall order the petitioner to pay into Court the amount of such share with the interest accrued and the costs of the proceedings under this section. A compliance with such order shall be a satisfaction of the recognizance with respect to the share so paid in, and an entry to that effect shall be made by the Clerk of the Court upon the record of the recognizance in such form as the Court may direct.

Money to be
invested.
How.

May be
called in
and re-in-
vested.

Court may
deposit
money.

SECTION 2. Any money due under recognizance as aforesaid, and which may be paid into the Orphans' Court pursuant to this act, shall be invested under the order of the Court in the name of the State of Delaware, but to be for the use of such person or persons as would have been entitled to the same under such recognizance, his, her or their executors, administrators or assigns; and money so invested may from time to time be called in by the Court and re-invested for the like use. The costs of such investment and re-investment shall be payable out of the fund. The Court shall have power at its discretion, instead of otherwise investing money, brought into Court as aforesaid, to order the same to be deposited in the Wilmington Saving's Fund Society to the credit of the Court, but to be for such use as aforesaid.

Person en-
titled to
money may
petition for
the same.
Order of
Court.

SECTION 3. A person entitled, whether as an original party interested or as an executor, administrator or assignee of such, to any money which shall have been brought into Court pursuant to this act may by petition apply to the Court for the payment of the same; and the Court upon being satisfied of the right of the petitioner shall call in the money to which such petitioner may be entitled if the same shall have been invested or deposited as aforesaid, and shall order the payment of the same to the petitioner, first deducting therefrom all costs and expenses incurred by proceedings under this section and allowed by the Court.

Power of
Court.

May ap-
point Au-
ditor.

The Court shall have power to direct any proceeding it may deem expedient, for ascertaining the right of any person claiming to be entitled to money paid into Court as aforesaid, and may appoint an Auditor to investigate under its instructions, and report upon any question or matter necessary to be determined in the adjudication of such claims.

Passed at Dover, October 19, 1864.

CHAPTER 477.

An Act to amend Chapter 105 of the Revised Code.

Revised
Code, 375.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 5 of Chapter 105 of the Revised Code be amended, by adding at the end thereof, these words: Section amended.

“He may also be admitted a party plaintiff by suggesting on the record the death of his testator or intestate, in the same manner as in cases of suits pending.” How.

SECTION 2. The said Chapter shall hereafter be read and construed as hereby amended.

Passed at Dover, October 20, 1864.

CHAPTER 478.

An Act to amend Section 20, of Chapter 12 of the Revised Statutes of the State of Delaware.

Revised
Code, 32.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,* That Section 20 of Chapter 12 of the Revised Statutes of the State of Delaware, be and the same is hereby amended, by striking out of said section the words “or member of the General Assembly” in the fourth and fifth lines thereof, and by inserting the word “or” before the word “Sheriff” in the fourth line thereof. Section amended.
How.

Passed at Dover, October 26, 1864.

CHAPTER 479.

An Act to incorporate “The Historical Society of Delaware.”

WHEREAS, The persons hereinafter named and others have

Preamble. formed themselves into an association under the name of "The Historical Society of Delaware," its object being the elucidation of history, particularly such portions as may refer to this State, and desire to be incorporated, that thereby such, the object of said society, may be more effectually sub-served, and promoted, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Willard Hall, Samuel M. Harrington, Alfred Lee, Charles Breck, Leighton Coleman, William S. Hilles, Henry F. Askew, George Foot, William Aikman, John Jones, Jacob B. Vandever, Samuel Canby, William Canby, Joseph Shipley, Daniel M. Bates, William D. Dowe, William T. Read, James Ponder, William Cummins, Lewis P. Bush, William H. French, and their associates who now are, and such other persons as shall hereafter become members of the said society, shall be and are hereby ordained, constituted and declared a body corporate and politic in fact and name, by the name of "The Historical Society of Delaware," and that by such name they and their successors forever hereafter shall and may have succession, and by the same name be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts of law and equity, in all manner of actions, suits, complaints and matters whatsoever; have a common seal and the same break, alter, change and renew at their pleasure and by the same be forever hereafter capable in the law to purchase, take, hold, receive and enjoy to them and their successors any lands, tenements, hereditaments, goods, chattels or estate real and personal, of whatever nature or quality, in fee simple for life or lives, or for years, or in any other manner whatsoever; but the clear yearly income of the said real and personal estate over and above the Library and Collections of the said Society, shall not at any time exceed the sum of ten thousand dollars.

Corporators.

Powers.

SECTION 2. *And it is hereby further enacted,* That they and their successors by the same name, shall have power and authority to give, grant, bargain, sell, demise, release and convey to others, the whole or any part of such real or personal estate, on such terms and in such manner and form as the said Society may deem eligible to subserve and promote such, the object of the said Society, and that they and their successors shall have power from time to time to abolish any of the offices or appointments hereinafter mentioned and create others in their room, with such powers and duties as they may think fit to confer and prescribe, and shall have power

Powers.

from time to time to make, constitute, ordain and establish such constitutions, by-laws, ordinances and regulations as they shall judge proper for the election of officers, the election and administration of new members, for the government and regulation of the officers and members, for fixing the times and places of the meetings of the said corporation, and for conducting, regulating and managing all the affairs and business of the said corporation; and the same from time to time to alter, change, repeal, revoke and annul at their pleasure; and that the Constitution and By-Laws, Rules and Regulations of the said Society heretofore made and adopted and now existing shall and may remain in force until altered or repealed by the said corporation, provided that such By-Laws, Constitutions and Regulations made or to be made by the said corporation, shall not be repugnant to the Constitution and laws of the United States or of this State.

SECTION 3. *And be it further enacted*, That the officers of the said Society until otherwise ordained by the said corporation, shall consist of one President, three Vice Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian and five Directors, who shall hold their offices until their successors are elected. Officers.

SECTION 4. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be construed most favorably to subserve and promote such, the object of the said Society and that no misnomer of said corporation in any deed, will, testament, gift, grant, demise or other instrument of contract or conveyance shall vitiate or defeat the same, provided that the said corporation shall be sufficiently described, to show the intention of the parties. Public act.
How construed.

SECTION 5. *And be it further enacted*, That in case the said Society shall at any time appropriate their or any part of their funds to any purpose or purposes other than contemplated by this act, and shall be thereof convicted by due course of law, that thenceforth the said corporation shall cease and determine, and the estate real and personal, whereof it may be seized and possessed, shall vest in the people of this State. Corporation shall cease.
When.

Passed at Dover, October 26, 1864.

CHAPTER 480.

An Act for the exchange of State bonds and to exempt them from taxation.

Preamble.

WHEREAS, The State Treasurer, acting under authority for that purpose, announced at the time and place of the sale of the bonds of this State authorized to be sold by the act passed at the present extra session, entitled "An Act to relieve the people of this State from draft, that this General Assembly would, if the purchasers desired it, authorize the issue to them, by the fifteenth day of December next, in exchange for the bonds bought by them, coupon bonds, the interest of which should be made payable in the city of Philadelphia, and he did further by the same authority and at the same time and place, announce and declare that this General Assembly would pass an act to exempt the said bonds from all State, County or municipal taxation:

AND WHEREAS, The said purchasers having bought the bonds so purchased by them on the faith of such announcement and having signed a paper reported by the State Treasurer, requesting such exchange and provision as to interest: Now, therefore, to carry out faithfully the contract or understanding aforesaid,

State Treasurer directed to deliver certain bonds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby directed and required to cause to be delivered to the holders of the bonds sold by him under the provisions of the act mentioned in the preamble hereof, in exchange for those held by them, other bonds of like denomination and number and according to the same form as those sold, with a provision for the payment of the interest at the Philadelphia Bank in the city of Philadelphia, and with coupons or interest warrants attached in the usual form. The said Bonds shall be signed by the Governor and Secretary of State and by the State Treasurer, and have the Great Seal of the State affixed. Each coupon shall be signed by the State Treasurer alone. The public faith is hereby solemnly pledged for the payment of the interest and principal of said coupon bonds.

SECTION 2. *And be it further enacted,* That as soon as any

bond shall be received in exchange as aforesaid, the State Treasurer shall immediately deface the impression of the Great Seal thereon and the signatures of the Governor, Secretary of State and himself; and he shall report the exchange to the next session of the General Assembly, and at the same time transmit to them the said bonds so defaced, to be destroyed by their authority.

State Treasurer to deface impression of Great Seal. When.

Report.

SECTION 3. *And be it further enacted*, That the bonds to be exchanged as aforesaid, and the value or property they represent, shall, as long as they remain unpaid, be absolutely free and exempt from all and all manner of taxation or assessment within this State, whether State, county, municipal or otherwise, it being the design of this General Assembly that the contract made by the State Treasurer hereinbefore mentioned shall be faithfully kept and observed, not only with those who advanced their money for the State's benefit, but all persons who may become the owners or holders of the securities aforesaid.

Bonds exempt from taxation.

SECTION 4. *And be it further enacted*, That the State Treasurer shall give public notice of the time and place or times and places, when and where he will attend to make the exchange of bonds aforesaid.

Notice of exchange.

SECTION 5. *And be it further enacted*, That the State Treasurer is authorized to apply any money in the Treasury not otherwise appropriated, to meeting the expenses incurred by him in carrying this act into effect.

Expenses.

SECTION 6. *And be it further enacted*, That in case it shall so happen that there have not been enough bonds sold to meet the expenses of the sale and the payment of the warrants drawn and to be drawn on the State Treasurer, under the provisions of the act entitled "An Act to relieve the people of this State from draft," passed on the twelfth day of August last, then the State Treasurer shall borrow on the credit of the State, for a period not exceeding six months, such sum as he may deem necessary, to meet the deficiency; and the faith of the State is hereby pledged for the punctual payment of the said loan. And to meet the same at maturity, the State Treasurer be and he is hereby authorized and directed, to sell at private sale, through the agency of a broker of this State, for the best price he can obtain for the same, a sufficient number of bonds of this State for that purpose, the same to be signed by the Governor, Secretary of State and himself and with the Great Seal attached, numbered in continuation of No. 650 and of the same denomination and form

State Treasurer authorized to borrow money. When.

Bonds.

Sale of.

Excess of
money.

in all respects as the bonds authorized to be delivered by the first section of this Act, and he shall apply the net proceeds of such sale, so far as the same may be necessary, to pay off said loan. Any excess of said sale shall be paid into the Treasury, to be accounted for by the State Treasurer. The faith of the State is hereby solemnly pledged for the payment of the bonds to be sold under the provisions of this section.

Compensation to State
Treasurer.

SECTION 7. *And be it further enacted*, That the State Treasurer shall, in addition to the extra compensation already given him for his services in signing and selling State bonds, be entitled to receive for services to be rendered under this act, the sum of two hundred dollars, and the same is hereby appropriated for such compensation.

Passed at Dover, October 27, 1864.

CHAPTER 481.

A Supplement to an Act entitled "An Act to raise revenue for this State," passed at Dover, August 11th, 1864.

Money received under act to raise revenue.

How to be appropriated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the money which from time to time shall be paid to the State Treasurer for the use of the State under the provisions of the act to which this is a supplement, shall be, and the same is hereby appropriated to the payment of the interest and principal of the bonds of this State, issued under the provisions of an act of the General Assembly of this State entitled "An Act to provide for the payment of the principal and interest of the lately created debt of this State," passed at Dover, August 12, 1864, and an act entitled "An Act to relieve the people of this State from draft," passed August 12, 1864.

State Treasurer directed to appropriate the money.

How.

SECTION 2. *Be it enacted by the authority aforesaid*, That the State Treasurer be and he is hereby authorized, empowered and required to apply the money appropriated by the first section of this act to the purposes therein mentioned in the following manner; that is to say:—The State Treasurer shall out of the money paid to him, under the provisions of the act entitled "An Act to raise revenue for this State"

aforesaid, semi-annually on the first day of July and the first day of January in each and every year, or as soon thereafter as convenient, pay the interest which may have accrued on the bonds of this State mentioned in Section 1 of this Act. He shall keep in the Treasury out of the money paid to him as aforesaid, an amount sufficient to meet the interest on said bonds for six months, and apply any residue which may be in his hands after retaining six months interest as aforesaid, to the payment of the bonds of the State, issued under the provisions of the act aforesaid entitled "An Act to provide for the payment of the principal and interest of the lately created debt of this State" in such manner as will be most satisfactory to the holders of said bonds; and after the bonds of the State, last aforesaid, shall have been paid off, he shall apply such residue remaining in his hands as aforesaid, to the payment of the bonds of the State sold by him under authority of the Act of the General Assembly of this State entitled "An Act to relieve the people of this State from draft" aforesaid, in such manner as will be most satisfactory to the holders of said last mentioned bonds.

SECTION 3. *Be it enacted by the authority aforesaid, That* whenever the State Treasurer shall pay any bond of the State aforesaid, he shall cancel the same, and preserve the bond so paid off, and cancelled as his voucher. He shall keep an accurate account of all money paid under authority of this act, and exhibit the same with his vouchers to the Auditor of Accounts in the annual settlement of his accounts with that officer.

Duties of
State Treasurer.

Passed at Dover, October 27, 1864.

CHAPTER 482.

An Act concerning the Mayor and Alderman of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That the Mayor or Alderman may punish by fine not exceeding ten dollars all assaults and batteries and other breaches of the peace, punishable by any law of the

Mayor or Alderman may punish by fine persons who commit assaults and batteries, &c.

Proceedings

State, when the offence is not of a high or aggravated nature, provided that after a hearing, he shall consider that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit, or bind the defendant for his appearance at the proper Court to answer the charge, and shall also bind the witnesses for their appearances, and may require surety of them, if necessary.

Passed at Dover, October 28, 1864.

CHAPTER 488.

An Act for the benefit of the Junction and Breakwater Railroad Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met,

Certain money to be appropriated, to Junction and Breakwater Rail Road Company.

SECTION 1. That such sum or portion of the annual payment of ten thousand dollars, to be made to the State of Delaware, by the New Castle and Frenchtown Turnpike and Railroad Company, under the provisions of section 3 of the act entitled "An Act to provide for the payment of certain sums of money to the State by the New Castle and Frenchtown Turnpike and Railroad Company and for other purposes" passed at Dover, February 7th, 1862, as is now growing due and not appropriated by the fourth section of said act or by any other act of the legislature to the Delaware Railroad Company, or to any other purpose, such portion being understood to amount to the sum of three thousand and five hundred dollars be, and the same is hereby appropriated and set apart for the use and benefit of the Junction and Breakwater Railroad Company, and shall be paid over by the State Treasurer unto the Treasurer of said Company.

Passed at Dover, October 28, 1864.

CHAPTER 489.

A Supplement to Chapter 59 of the Revised Code "Of Ditches."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That six*

days' written notice of the annual meetings to be called by the managers under the provisions of the second paragraph of the seventh section of the chapter aforesaid, shall be given by them in writing to each owner whose lands are embraced in proceedings heretofore had or hereafter to be taken, to lay out a ditch under the said chapter or left at his usual place of abode with some adult white resident there, if he reside in the county, if he do not reside in the county, then the said notice may be delivered to his tenant of the premises, if there be a tenant, and if not, fastened up securely on some conspicuous object on the said premises. The proceedings of any meeting held by the managers without such notice, shall be void and of no effect.

Notice of
annual
meetings of
managers.

Passed at Dover, October 28, 1864.

CHAPTER 485.

An Act to amend the Act passed on the eleventh day of August last, entitled "An Act to raise revenue for this State."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the Act aforesaid be and the same is hereby amended, by striking out the word "five" in the ninth line of the 1st section, and inserting in lieu thereof the words "within the following month," also by striking out the word "five" in the 1st line of section 2, and inserting in lieu thereof, the words "within the following month," also by inserting in the 8th line of section 2, between the word "funds" and the word "of" the words "or principal accountant," and that the aforesaid act shall be printed, and read, and construed, as amended by this act.*

Act
amended.

Now.

Passed at Dover, October 28, 1864.

CHAPTER 486.

An Act to amend Chapter 24 of the Revised Statutes of the State of Delaware.

Revised
Code, 71.

Amended.

How.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 11, Chapter 24 of the Revised Statutes of the State of Delaware be amended, by striking out the word "thirty" in the fourth line of said Section, and inserting in lieu thereof the words "seventy-five."

Passed at Dover, October 28, 1864.

CHAPTER 487.

An Act further to protect the free exercise of the elective franchise.

Preamble.

WHEREAS, The enjoyment of civil liberty is of the most vital importance to any people claiming to be free: AND WHEREAS, no such enjoyment can be had without the free and untrammelled exercise of the right to vote, which right should be protected, not only by penal sanctions, but by the creation and use of civil remedies; therefore,

Civil action
in what
case.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:* That if any person who is a duly qualified elector of this State, according to the Constitution and Laws thereof, shall hereafter be prevented from voting, or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such Constitution and Laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor, in the Courts of this State, by action of trespass, or on the case, according to the nature of the interfer-

ence, against all and every person or persons who promote such interference, whether by active participation, or by advising, counseling, or in any wise encouraging the same; and in any trial under this act, the jury, if, in their opinion the circumstances will warrant it, may give exemplary damages.

SECTION 2. *And be it further enacted*, That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation, or threats, forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the Judges of this State, and file the same in the office of the Clerk of the Peace of the county where the Judge resides, and if any such citizen, having such knowledge, shall fail to make such affidavit and cause the same to be filed as aforesaid, he shall be treated as a promoter of the interference mentioned in the first section of this act, and be liable as is therein provided.

Citizen to make disclosure.

SECTION 3. *And be it further enacted*, That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action.

Limitation.

SECTION 4. *And be it further enacted*, That the Secretary of State shall immediately cause a copy of this act, duly certified, to be published in all the newspapers of the State, such publication to continue for one month.

Publication.

Passed at Dover, October 28, 1884.

CHAPTER 488.

An Act to relieve the State Treasurer from the performance of a certain duty and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the State Treasurer be and he is hereby relieved from the duty of

State Treasurer
relieved
from certain
duty.

taking any proceedings under the act entitled "An Act to raise revenue for this State," against any corporation for not complying with the provisions of said act on the first instant or within five days thereafter, provided the payment is made within the present month; and furthermore, that upon compliance by such corporation at any time within the present month, the forfeiture declared in the 2d section of said act be, and the same hereby is as to the previous failure waived.

Passed at Dover, October 28, 1864.

CHAPTER 489.

An Act authorizing the Clerk and Commissioners of School District No. 4, in Kent County, to convey a certain lot of land.

Commissioners
authorized to
sell and
convey cer-
tain land.

Where
situated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Samuel S. Griffin, Joseph Reynolds, and William M. Boyer, Clerk and Commissioners of School District No. 4, in Kent County, be, and they are hereby authorized and empowered to sell and convey by deed of bargain and sale to Margaret B. Polk, her heirs and assigns, all that certain lot of land situate at the intersection of the public road leading into Spruance's Neck, with the public road leading from Smyrna to Dover, lying and being in Duck Creek Hundred, in Kent County aforesaid, and adjoining lands of the said Margaret B. Polk, containing about one half acre of land, more or less, being the lot of land where the School house in said School District was originally built.*

Deed shall
convey all
interest of
School
District.

SECTION 2. *Be it enacted as aforesaid, That the deed which may be executed and delivered by the aforesaid Clerk and Commissioners for the conveyance of said lot of land to the said Margaret B. Polk, shall convey all the right, title and interest of said School District of, in, to and out of said lands to the said Margaret B. Polk, her heirs and assigns forever.*

Passed at Dover, October 28, 1864.

CHAPTER 490.

An Act for the payment of claims against the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby authorized and directed to pay the following claims:

To James Kirk, for advertising, one hundred and twenty-six dollars and twenty-five cents, in full to date.

J. Kirk,
\$126.25.

To Charles Tunnell, for advertising, one hundred and eight dollars, in full to date.

C. Tunnell,
\$108.00.

To Allen and Biddle, for advertising, sixty-one dollars and nineteen cents, in full to date.

Allen & Biddle,
\$61.19.

To C. P. Johnson, for advertising, ninety-one dollars and seventy-eight cents, in full to date.

C. P. Johnson,
\$91.78.

To Jonathan Stites on John Wyatt's bill as per order, for cleaning State House and sundries, per bill, twenty-five dollars, in full to date.

J. Stites,
\$25.00.

To Henry Eckel, for advertising two hundred and sixty dollars and three cents, in full to date.

H. Eckel,
\$260.03.

To Commissioners, for preparation and sale of State bonds, namely:—Joseph P. Comegys, five hundred dollars; Eli Sanlbury, five hundred dollars, and Jesse Sharp, five hundred dollars, in full to date.

J. P. Comegys, \$500.
E. Sanlbury, \$500.
Jesse Sharp,
\$500.

To James Cowgill & Son, for Stationery, Stamps, Coal, &c., one hundred and eleven dollars and eleven cents, in full to date.

J. Cowgill,
\$111.11.

To Loxley R. Jacobs, State Treasurer, one thousand and seventy-one dollars, and fifty-four cents, for commissions and expenses incurred under an act entitled "An Act to relieve the people of this State from draft," in full to date.

L. R. Jacobs
\$1071.54.

Passed at Dover, October 28, 1864.

CHAPTER 491.

An Act further to secure the free exercise of the right to vote at elections.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election

If voter is
interfered
with.

Shall have
right to
vote.

How and
where.

in this State, under the provisions of Chapter 18, of the Revised Code, electors duly qualified by the Constitution and Laws of this State to vote at said place at said election, shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said Constitution and Laws, any number of electors, not less than five, shall have the right to withdraw from the said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as Inspector, to deliver to him there their respective ballots; which said Inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said Inspector having first administered to each person offering to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: “You do solemnly swear (or affirm) that you are of the age of twenty-one years, and not arrived at the age of twenty-two years, and that you at this time reside in this Hundred, and that you have not voted, and will not vote on this day at any other place in this or any other Hundred, and that you have resided in this County one month, and in this State one year next before this election;” and to every person offering to vote on the ground of having paid a tax, and being otherwise qualified, according to the Constitution, the following: “You do solemnly swear (or affirm) that you are of the age of twenty-two years, and that you at this time reside in this Hundred, and that you have not voted, and will not vote on this day at any other place in this or any other Hundred, and that you have resided in this County one month and in this State one year next before this election; and that you have within two years paid a county tax which was assessed at least six months before this election;” and also the further oath that he has been hindered or prevented from casting his vote at the regular place of holding the election, by military interference, or by the requirement of oaths unauthorized by the Constitution and Laws of this State.

SECTION 2. *And be it further enacted,* That the polls authorized to be held by the preceding Section, shall be held at the place where they are opened, unless it be impracticable to hold them there, in which event they shall be adjourned to some other place, or places (if necessary) in the election dis-

trict where they are opened, and there held, and shall be kept open until five o'clock in the afternoon, when the Inspector shall close them. As soon as such polls are closed, the Inspector holding them, having first ascertained the number of ballots cast, and for whom and for what office the votes were given, and made a certificate thereof, shall seal up the ballots received by him in a box or envelope, and keep them safely, together with the list of the names of the electors who have deposited their ballots with him, until the time of the meeting of the Board of Canvass provided for by the Chapter aforesaid, when he shall appear before the said Board with the said ballots and list of voters and his certificate aforesaid, and deliver his said certificate to the said Board with an affidavit made by him upon the same, that it contains a true and faithful statement of the number of ballots received by him as aforesaid, the names of the electors who cast them, the number of votes for the different persons voted for, and that at the said poll held by him, he did not, knowingly, receive the ballot of any person not a duly qualified voter within his election district, according to the Constitution and Laws of the State of Delaware, nor did he refuse to receive the ballot of any person so qualified, and who had been prevented from voting at the regular place of voting by military force or the requirement of an oath unauthorized by the Constitution and Laws of the State of Delaware; and that he determined every matter that came before him and performed every act and duty required of him by law touching the election held by him, truly, faithfully, and impartially, according to the best of his skill and judgment.

Return to
Board of
Canvass.

SECTION 3. *And be it further enacted,* That it shall be the duty of the Board of Canvass to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the Chapter aforesaid, to take into consideration the number of ballots certified by said Inspector to have been received by him and for whom and what office the votes were given, and give said certificate the same force and effect, and it shall have the same force and effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said Inspector in the same manner as if they had been given at the regular place of voting in said district: *Provided always, however,* That the said Board shall be, and they are hereby required to hear and determine challenges of the right of any person, who delivered his ballot to the said Inspector, and reject any ballot if the

Duty of
Board of
Canvass.

Provide.

person who cast the same had not a right to vote under the Constitution and Laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said Inspector, as are not rejected by the Board of Canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said Board in the regular ballot-box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding officer of the Board of Canvass. The said Board shall also have power to examine, on oath, the said Inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that said election was not fairly held by any Inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

Board of
Canvass
may choose
place of
meeting,
when.

SECTION 4. *And be it further enacted,* That if it shall be apparent to a Board of Canvass that any interference with the performance of their duties under Chapter 18 aforesaid, and this act, will be attempted by military force, or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member of a Board of Canvass, or any Inspector created by virtue of this act, shall be prevented, by reason of such interference from attending the meeting of the Board, or if the Board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said Board to adjourn to meet at some other time and other place (if necessary), to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said Board, on the part of an Inspector created by authority of this act, and the penalties upon him for not appearing, shall be the same as in the case of the Inspectors regularly elected according to law; but no such Inspector shall be a member of the Board of Canvass.

Number of
polls not
limited to
two in each
district.

SECTION 5. *And be it further enacted,* That nothing herein contained shall limit the voting places to two in an election district, but, the emergency contemplated above arising, as many different polls may be held as there are numbers of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

SECTION 6. *And be it further enacted*, That each Inspector created by authority of this act, shall have power to appoint a Clerk to aid him in the discharge of such duties as are clerical, and shall administer to him, before he enters upon the discharge of the duties to be assigned to him, an oath or affirmation in these words: "You do solemnly swear (or ^{Clerk.} affirm) that as Clerk of this election you will not use nor ^{Oath.} assent to any falsehood, fraud or deceit, and that you will keep the polls and perform all your duties truly, faithfully and impartially, so help you God (or so you solemnly affirm). The Inspectors and Clerks shall receive the same compensation as Inspectors and Clerks elected and appointed under the present election law.

SECTION 7. *And be it further enacted*, That it shall be the duty of the Clerks of the respective Houses of this General Assembly to cause a copy of this act, duly certified by them, to ^{Publication} be printed forthwith, and one thousand impressions thereof to be circulated throughout this State for public information and observance—one of which shall be actually delivered to each of the Sheriffs of this State, or left at his office.

Passed at Dover, November 2, 1864.

CHAPTER 492.

Joint resolution appointing a Joint committee to inquire into the necessity of further legislation to protect the people in their right to vote.

WHEREAS, Fears have been expressed by citizens of this State that the right guaranteed to them by the Constitution and Laws of this State, peaceably to vote at the ensuing General election, may be unduly interfered with; therefore,

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That a committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed to inquire and report to this General Assembly, whether any further legislation is necessary to secure to every citizen his legal right to vote under the Constitution and Laws of the State, and that said committee have leave to report by bill or otherwise. ^{Committee appointed to inquire what legislation is necessary to secure legal right to vote.}

Adopted at Dover, October 19, 1864.

CHAPTER 493.

*Joint resolution appointing a Joint Committee to
in the bonds authorized by law.*

*Resolved by the Senate and House of Repre
Delaware, in General Assembly met, That
consisting of one on the part of the S
part of the House of Representatives be r
bill authorizing the necessary changes
State issued under and by virtue of an A
sembly, passed at Dover, at the speci
vened in July last.*

Joint com-
mittee to
prepare a
certain bill.

Adopted at Dover, October 19, 1864.

CHAPTER 4

Joint Resolution of ad

*Resolved by the Senate and House of
of Delaware in General Assembly met, T
Assembly adjourns, it be to meet o
ber 24, at 8 o'clock.*

Adjourn-
ment to
Monday
evening.

Adopted at Dover, October 20, 1864.

CHAPTER

Joint Resolution in relation to mil

*Resolved by the Senate and House
of Delaware in General Assembly
bly in behalf of the people of the
ly protest against any future mil
dom of elections in this State,*

of soldiers in the military service of the United States into this State, for the purpose of being stationed at or near any voting place in this State on the day of any general or special election hereafter to be held in this State, for the purpose of interfering with the right of the citizen to vote at any such election, and against any and every attempt in the future on the part of the Federal Executive or any person whomsoever, engaged in the service of the United States, to apply, administer, or enforce any test oath, or oath of any kind whatever not authorized by the Constitution and Laws of this State, as a qualification or condition of voting.

Protest
against
military
interference
with elec-
tions.

Resolved, That a copy of this protest and report, duly attested by the Speaker and Clerk of the Senate and the Speaker and Clerk of the House of Representatives, be forwarded to the President of the United States, the Secretary of War and the General commanding this military department.

Copy of
Protest to
be sent to
the Presi-
dent, Secre-
tary of War
and General
Command-
ing Depart-
ment.

Adopted at Dover, October 28, 1864.

CHAPTER 496.

Joint Resolution of compensation to the Secretary of State for certain services.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be, and he is hereby authorized and required to pay out of any money in the Treasury not otherwise appropriated, to the Secretary of State for his services rendered and to be rendered under the act entitled "An Act for the exchange of State bonds and to exempt them from taxation" in signing the said bonds and affixing the Great Seal thereto, the sum of one hundred dollars and further, that he pay the said sum on the warrant of the said Secretary of State.

State Treas-
urer au-
thorized to
pay to the
Secretary of
State cer-
tain sum for
services.

Adopted at Dover, October 28, 1864.

CHAPTER 497.

Joint Resolution of compensation to the State Treasurer.

Money ap-
propriated to
State Treas-
urer.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the sum of one hundred and eight dollars and thirty-nine cents be, and the same is hereby appropriated to Loxley R. Jacobs, State Treasurer, for extra services rendered in his official duty as said Treasurer.

Adopted at Dover, November 1, 1864.

CHAPTER 498.

Joint Resolution of adjournment sine die.

Adjourn-
ment sine
die.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the two houses of this General Assembly will adjourn on this, the second day of November A. D. 1864, sine die.

Adopted at Dover, November 2, 1864.

TITLES OF PRIVATE ACTS.

CHAPTER 499.

An act to incorporate the Kiamensi Woolen Company.
Passed at Dover, October 20, 1864.

CHAPTER 500.

An Act to divorce William R. Richards and Virginia C. Richards, from the bonds of matrimony.
Passed at Dover, October 26, 1864.

SECRETARY'S OFFICE,
DOVER, NOVEMBER 10, 1864.

In obedience to the directions of Chapter 4, of the Revised Code, entitled "Of the passing and the publication of laws and of Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its adjourned session commenced on Tuesday, October 20, A. D. 1864.

SAM'L M. HARRINGTON, JR.,
Secretary of State.

L A W S

OF THE

STATE OF DELAWARE,

PASSED AT A SESSION

OF THE

GENERAL ASSEMBLY,

**COMMENCED AND HELD AT DOVER, ON TUESDAY, THE
THIRD DAY OF JANUARY,**

A. D. 1865,

AND OF THE

INDEPENDENCE OF THE UNITED STATES THE EIGHTY-NINTH.

PUBLISHED BY AUTHORITY.

1865:

JAMES KIRK, DOVER, DELAWARE,

PRINTER.

L A W S

OF THE

STATE OF DELAWARE.

CHAPTER 501..

A Further Additional Supplement to the Act entitled "An Act to extend the time for Recording Deeds."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all deeds or letters of attorney concerning lands, tenements, or hereditaments, sealed and delivered on or before the first day of January, one thousand eight hundred and sixty-five, first being acknowledged or proved, and the acknowledgment or proof certified according to the laws of this State in force at the time when such acknowledgment or proof was made may, with the certificate of the acknowledgment or proof, and all endorsements and annexations, be recorded in the office for recording of deeds in the county wherein such lands, tenements and hereditaments or any part thereof are situated, if lodged in such office on or before the first day of January in the year of our Lord one thousand eight hundred and sixty-seven, and the said record or a copy thereof shall be sufficient evidence; and from and after the first day of January in the year of our Lord one thousand eight hundred and sixty-seven, no deed or letter of attorney, sealed before the first day of January in the year of our Lord one thousand eight hundred and sixty-five, shall be recorded.*

Time for recording deeds extended to 1867.

Passed at Dover, January 18, 1865.

CHAPTER 502.

An Act to authorize Noah Isaacs to alter and straighten a certain public road in Nanticoke Hundred, Sussex County, Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That*

Noah Isaacs
authorized
to straighten
a public
road.

Noah Isaacs be and he is hereby authorized and empowered to alter and straighten that portion of the public road leading from Cane's cross-roads, in Georgetown Hundred, to Collins' Mills, in Nanticoke Hundred, that passes through the farm and near the residence of said Noah Isaacs, beginning at a point at or near a stake by the side of said county road, which is a corner of lands of Joseph Isaacs, Minos Isaacs, and the said Noah Isaacs, and from thence running a straight line to intersect the old county road near a small tenant house belonging to said Noah Isaacs, and thence crossing and leaving said old county road and running a straight line to intersect the old county road again at or near the dwelling of said Noah Isaacs.

How to be
straightened

To be a pub-
lic road
when put in
order by said
Noah Isaacs.
Old road va-
cated.

SECTION 2. *Be it further enacted by the authority aforesaid, That the road so changed and straightened, and put in good order for public travel at the expense of said Noah Isaacs, of the width of thirty feet, shall be a public road, and that the old road shall be vacated, and the said Noah Isaacs authorized to enclose the same at his pleasure, whenever the said new road shall be accepted by the Levy Court of Sussex County.*

When.

Passed at Dover, January 19, 1865.

CHAPTER 503.

An Act to Incorporate the Dover and Mahon's River Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature) [That]*

Commis-
sioners.

Joseph P. Comegys, James L. Heverin, Caleb S. Pennewill, John W. Cullen, Henry Ridgley, George B. Dickson, Jacob M. Hill, William M. Shakespear, William M. Jester, John Slay, Charles Brown, Henry Pratt, James M. Kirbin, Peter Wilson, Charles M. Wharton, James G. Waples, George Parris, James D. Kimmey, Thomas Denney, Thomas Wilson, Zadock Postles, Henry

Todd, Thomas B. Bradford and Daniel C. Hoffecker, be and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: They or a majority of them shall procure, and cause to be opened at such times and places and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Dover and Mahon's River Railroad Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any number of shares in said stock. The capital stock of said Company shall not exceed five hundred thousand dollars, divided into twenty thousand shares of twenty-five dollars each.

Duties.

Notice of opening books. Who may subscribe.

Limitation of Capital Stock.

SECTION 2. *And be it further enacted as aforesaid,* That when and as soon as five hundred shares of capital stock in said Company shall be subscribed as aforesaid, the subscribers, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the "Dover and Mahon's River Railroad Company," and by the said name, the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all Courts of Record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such portions of the profits of the Company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain by-laws and regulations for the government of the said corporation, not inconsistent with the Constitution and Laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same. *Provided,* That nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises or privileges but those which are properly incident to such a corporation.

Company incorporated

Corporate powers.

Banking powers.

SECTION 3. *And be it further enacted as aforesaid,* That as soon as five hundred shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof, in two or more newspapers published in this State, shall call a meeting of the said subscribers in Dover, to organize the said Company by the choice and appointment of officers as hereinafter mentioned.

Meeting of the subscribers.

SECTION 4. *And be it further enacted as aforesaid,* That there shall be an annual meeting of Stockholders on the second Monday in January in every year, in the town of Dover, for the purpose of electing Directors and for the transaction of other business.

Annual meeting of stockholders

In all meetings of the Stockholders regularly convened, those present may proceed to business, and all questions shall be determined by a majority of the votes given; all elections by Stockholders shall be by ballott, and all votes shall be given in person or by proxy; and each share of stock shall entitle the owner to one vote. Occasional meetings of the Stockholders may be called, and at such places as the President and Directors may deem expedient.

SECTION 5. *And be it further enacted as aforesaid,* That at the first meeting of the Stockholders, to be held under the call of the said Commissioners, and at every annual meeting of the Stockholders to be held thereafter as aforesaid, they shall elect seven Directors, a majority of whom shall be citizens of this State, and all of them Stockholders in the said Company. The first election of Directors shall be conducted by two of the said Commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the Stockholders not in the Board, to be appointed by the Directors for the time being as judges for that purpose. The Directors, immediately after their election, shall proceed to choose one of their number to be the President of their Company and of the said Board, and their term of office shall be until the annual meeting of the Stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary and Treasurer of the said Company, who shall continue in office for the term aforesaid, and until their successors shall be duly appointed, unless sooner removed for a sufficient cause by the Directors. They shall require of the Treasurer, on his appointment, a bond, with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said Company. A majority of the whole number of Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a Chairman of the Board *pro tempore*. Vacancies in the Board of Directors, and in the offices of President, Secretary and Treasurer may be filled by the remaining Directors, to continue as aforesaid.

SECTION 6. *And be it further enacted as aforesaid,* That the said President and Directors shall hold their meetings in the Town of Dover, and in such other places as they may deem expedient on the line of the said road; and the said Directors shall have the general direction, conduct and management of the property, and make affairs* and operations of the said Company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix the salaries of

* So in original.

all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bond from them or any of them with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars, and other equipments and supplies for the road, and for that purpose to make and enter into such contract and agreement with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said Company; they shall have full power to do all acts that may be necessary to effect the purposes for which the said Company is hereby incorporated, and to this end raise the capital stock and funds of the said Company, and to bind by their contracts under the seal of the corporation, and the hand of the President, all the property and estate of the said Company. They shall also have power to make and prescribe the by-laws and regulations for the government of the Company, and to provide certificates of stock under the seal of the Company, and the signature of the President, and countersigned by the Secretary for all the shares subscribed, and to prescribe the mode of assigning and transferring the same; and generally to do all such other matters and things as by this act, and the by-laws and regulations of the Company they shall be authorized to do.

SECTION 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stocks for all the shares subscribed in said Company, and cause the same, signed, sealed and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder, in the method prescribed in the by-laws of the Company, and the assignee of any such certificate so transferred shall be a Stockholder in said Company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures and penalties due, or to become due thereon, as the original subscriber would have been.

Certificates of stock.
Assignable, and how.
Assignee—rights and liabilities of.

SECTION 8. *And be it further enacted as aforesaid,* That the subscribers to the said capital stock shall pay to the Treasurer of the said Company the installments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said Directors, and if any subscriber shall omit, for thirty days after any such call, to pay any such installment at the time and place appointed in said notice, he shall pay, in addition to the installment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the Company at the option of the Directors. All sums of money, which may accrue to the Company, under this Section, may be sued for and recovered as debts of a like amount are

Neglect to pay installments.

recoverable by the laws of this State. *Provided*, That no Stockholder shall be entitled to vote at any election, or in any meeting of the said Company, on whose shares any installments shall have been due and payable more than thirty days previous to such election or meeting, and is still unpaid at that time.

Dividends, how declared.
Annual report of President and Directors.
SECTION 9. *And be it further enacted as aforesaid*, That the said President and Directors shall from time to time make and declare dividends of the nett profits of the business of the Company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them; and at each annual meeting of the Stockholders it shall be the duty of the President and Directors of the preceding year to submit a report, and to exhibit to them a full and correct statement of the proceedings and affairs of the Company for that year.

Company to locate road.
Route.
Entry on lands for sand, &c.
SECTION 10. *And be it further enacted as aforesaid*, That the said Company be and they are hereby authorized to survey, locate and construct a railroad, with one or more tracks, as follows: That is to say—From any point not more than one mile from the Town of Dover to some point at or near the mouth of Mahon's River; and to connect or unite their said Railroad in or near the town of Dover with the said Delaware Railroad, with the assent of the Delaware Railroad Company, and upon such terms and conditions as shall be arranged and agreed upon between the two companies, to be reduced to writing and authenticated under the seals of the companies; and for the purpose of surveying, locating and constructing the said railroad as aforesaid, the said Company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, wood and other material therefrom, and to obtain right and title to the same as hereinafter provided.

Condemnation of lands &c., for road.
Freeholders to assess damages.
Their oath.
SECTION 11. *And be it further enacted as aforesaid*, That whenever any land, earth, sand, gravel or other material necessary to be taken and used in the construction of the said railroad cannot be procured or purchased of the owner thereof by agreement between him and the Company, the latter may apply to the Superior Court of Kent County, or to any judge thereof in vacation, first giving the other party at least five days notice, in writing, of the intended application, if neither the State* and the said Court, or Judge shall appoint five judicious and impartial freeholders to view the premises, and assess the damages which the owner or owners will sustain, by reason of the said railroad's passing through it in taking and using the same.* The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and

* So in enrolled bill.

they shall give ten days written notice to the owner or owners of the premises, if within the State, and the same to the President of the Company, of the time of their meeting, for the discharge of their duty, which shall be upon the premises, and they shall make report in writing, under their hands, or the hands of a majority of them, to both parties, but if either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court in and for Kent County, within thirty days after such assessment, sue out a writ of *ad quod damnum* requiring the Sheriff in the usual form to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final. The said Commissioners, in assessing the amount of damages as aforesaid, shall award at least the actual cash value of the land, earth, sand, gravel, or other materials so to be taken and used as aforesaid, and the damages so assessed being paid by the Company, to the party entitled, or into the Farmer's Bank of the State of Delaware, at Dover, for his or her use, whether they be under any disability or in or out of the State. The title to the land and premises described and condemned in said report, for the purposes aforesaid, shall be absolutely vested in the said Company, their successors and assigns. The fees of the freeholders and the Prothonotary in all such proceedings shall be fixed by the Court, and in all cases shall be paid by the Company, and the costs of any inquisition had under the provisions of this Section shall be paid as in other cases by the unsuccessful party: that is to say—if the damages upon any such inquisitions be increased, the said Company shall pay the costs of the inquisition, but if the damages be not increased, the party applying for a writ of *ad quod damnum* shall pay the costs of the inquisition.

Notice.

Freeholders report.

Party dissatisfied to have writ of *ad quod damnum*.

On paying or depositing damages the Company to have the land.

Fees of Freeholders.

Costs of inquisition.

SECTION 12. *And be it further enacted as aforesaid,* That whenever it shall be necessary or expedient for the said Company to enter upon or occupy any portion of the marsh, the property whereof is in the State, it shall be lawful for them to enter upon the same, and to hold, use, occupy and enjoy so much thereof as shall be necessary and proper for the use and benefit of said Company, and thereon to make and construct such piers, wharves, docks, roads, houses, and other needful buildings, structures and improvements as may be conducive to the interests and objects of the said Company.

Right of Company to enter or occupy marsh belonging to the State.

SECTION 13. *And be it further enacted as aforesaid,* That if in the location of said Railroad, it shall be found necessary or expedient to cross any navigable watercourse below the highest point of the usual navigation thereof by masted vessels, it shall be the duty of the said Company to construct and keep in repair a bridge, with sufficient passway and draw, over the channel or deepest part of the same, which shall be drawn as often as occasion

Bridges.

at the expense of the Company, for the free passage; and it shall also be the duty of said Company to keep in repair good and sufficient passages across said Railroad where any public road shall cross the same, so that carriages, horses, persons and cattle shall not be obstructed in crossing said Railroad; it shall likewise be the duty of the said Company, when the said Railroad shall intersect any farm, to provide and keep in repair a suitable passage across the Railroad for the use of said farm; it shall also be the duty of the said Company, whenever the said Railroad shall pass through any enclosed lands, to fence the same upon each side of the said Railroad, unless by agreement between the Company, and the owner or owners thereof, the former shall be released from the duty of fencing as aforesaid.

Fences.

Injuries to road.

SECTION 14. *And be it further enacted as aforesaid,* That if any person or persons shall wilfully and intentionally damage the said Railroad or any part thereof, or any part of the works and property of the said Company, they shall be liable to the Company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars at the discretion of the Court.

In case of failure to elect officers Corporation not dissolved.

SECTION 15. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said Company shall not be had and held pursuant to the provisions and appointment of this act, the Corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days notice thereof in two newspapers, published in this State, of the time and place of holding such election. And it shall be lawful for the Governor of the State, for the time being, to supply any vacancies which may occur among the Commissioners appointed by this act.

Tax to the State.

When.

SECTION 16. *And be it further enacted as aforesaid,* That the said Company shall pay semi-annually into the Treasury of the State a tax at the rate of one-half of one per cent. per annum on the capital stock of the Company, actually paid [in,] whenever the business of the Company shall, over and above its liabilities or expenses, yield to the Stockholders a profit or dividend on such stock equal to the rate of nine per centum per annum.

Public Act.

Revocation.

SECTION 17. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all Courts of law and equity in this State, and that this charter shall be deemed and held to be perpetual, or without limitation as to the time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said Company, which is hereby reserved to the Legislature.

Passed at Dover, January 24, 1865.

CHAPTER 504.

An Act to Incorporate the Brandywine Hundred Association for the Recovery of Stolen Horses.

WHEREAS a number of persons have associated for the Preamble.
purpose of recovering stolen horses and other stolen property,
and the detection of thieves, and said persons are desirous of
becoming incorporated, Therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1.
That George Lodge, John* Forwood, H. Barlow, Jacob Sharp-
ley, Joseph B. Langley, Armor G. Perkins, and such other Incorporation.
persons as now constitute the Brandywine Hundred Association
for the recovery of stolen horses, or who shall hereafter be
admitted members of the same, shall be and are hereby de-
clared to be a body politic and corporate, by the name, style
and title of "The Brandywine Hundred Association for the Re- Name.
covery of Stolen Horses," to have succession with all the legal Succession.
incidents to a corporation aggregate. *Provided,* That the clear Proviso.
value of the real estate, or the monied securities, held by them,
shall at no time exceed the sum of two thousand dollars.

SECTION 2. The officers of the said Corporation shall be such Election of officers.
as the Association may deem necessary, who shall be elected
annually or otherwise as the rules and by-laws of the Corpora-
tion may direct.

SECTION 3. The said Corporation, when convened by due notice Power of members to make rules, &c.
given to the members, shall have power and authority to make,
ordain and establish such rules, by-laws and ordinances, relating
to the concerns of the Corporation, as they may deem necessary
and proper. *Provided,* That no rule, by-law or ordinance shall be
valid if inconsistent with the Constitution and Laws of this State
or the United States.

SECTION 4. The present officers of the said Association shall Term of office.
continue in their respective stations until other officers are duly
elected in conformity with this act.

SECTION 5. This act shall be deemed and taken as a public Public Act.
act, the Legislature reserving the right to alter, repeal or revoke Revocation.
the privileges hereby granted.

Passed at Dover, January 26, 1865.

* "Jehu" in the original bill.

An Act to Incorporate the Agricultural Canal Company of Baltimore Hundred.

Incorporation.

Name.

Powers.

Banking powers.

First meeting in May.

Annual meeting in May, to elect Managers and Treasurer.

Every dollar of tax paid entitles taxable to one vote. Notice.

Managers and Treasurer to give bond.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of both branches of the Legislature concurring,) That John Dukes, Thomas Dukes, Jacob Evans, Isaac Rickards, Richard Hickman, Ebenezer Holloway, John Bennett,* Samuel D. Bennett, Matilda Derrickson, and Hiram Rickards, and such other persons as now are, or may hereafter become the taxables and owners of the low grounds drained by the said Agricultural Canal, in Baltimore Hundred, Sussex County, as the same has been heretofore laid out and surveyed and confirmed under the then existing laws of the State of Delaware, are declared to be a corporation and body politic by the name of the "Agricultural Canal Company of Baltimore Hundred," and by that name may have succession and successions, and may have a common seal, sue and be sued, implead and be impleaded in all courts of record in this State and elsewhere, and shall have the right, and the power, and legal authority which shall be necessary to carry into effect the said Corporation; but the said Company shall not exercise banking powers.

SECTION 2. *And be it further enacted,* That the said taxables and owners, so as hereinbefore described, in order to effect the objects of said Corporation, shall meet on the first Saturday of May next, in the School House, in District No. 119, Sussex County, and on the first day of May, annually thereafter, at two o'clock, P. M., and elect from among the taxables aforesaid two Managers and a Treasurer, to serve for one year, and until their successors shall be duly chosen and qualified; that at such election each voter shall be entitled to one vote for each and every dollar of tax paid by him, her, or them for the last assessment made before the election at which such persons shall offer to vote; notice of the time and place of meeting shall be posted for ten days in five of the most public places in the neighborhood of said Canal, signed by the Managers and Treasurer, or one or more of them; or in the case of the death or disqualification, or the refusal or neglect of the said Managers and Treasurer to advertise the said annual meeting, then any two of said taxables are authorized to advertise the same as directed herein.

SECTION 3. *And be it further enacted,* That the said Managers and Treasurer, so elected, shall each of them give bond in the sum of one thousand dollars for the performance of the several duties required of them by the resolutions or by-laws of the said Corporation, passed previous to the election of said Mana-

* In the original bill "John Bennett."

gers and Treasurer; that it shall be the duty of the Managers to levy and assess the amount of money resolved to be raised for ^{Their duties and powers.} cleansing, opening and cutting the said Agricultural Canal at the annual meeting, on the basis of the assessment last made by virtue of an order of the Superior Court of the State of Delaware and returned thereto and confirmed by the said Court, and the same shall be levied by the said Managers within the said month of May of each and every year after the election of said Managers; that the said Managers shall give ten days notice to the several taxables (or those in possession of the said low grounds where the owner does not reside in the county) of the time when they will proceed with the work of cleansing, opening, or cutting said canal, that said taxables and owners shall then have the right to contribute in work, under the direction of the Managers, to the amount of tax levied on them; that if the said taxables, after being thus notified, shall neglect or refuse to perform the work or labor, then it shall be the duty of the Treasurer, upon notice given him by the said Managers, or either of them, to proceed within twenty days thereafter to collect the said taxes, and for that purpose he shall have the same powers and authority to collect as are given to the collector of a hundred for the collection of county taxes, and the said Managers may employ other persons to do and perform such work, for which they shall pay orders drawn by them on the Treasurer; and that said Managers and Treasurer shall settle their accounts annually with the said taxables at their annual meeting, and may receive such compensation as the taxables in the preceeding annual meeting may have allowed and fixed to be paid therefor.

SECTION 4. *And be it further enacted,* That if any person or persons shall obstruct or hinder the passage of the water through said Agricultural Canal, such person shall become liable in damages to ~~any~~ taxable or owner damaged thereby, and to the said Managers, for the use of the said Company, the amount paid or contracted to be paid for the removal thereof, to be recovered in either case before any Justice of the Peace within Sussex County in the same manner as debts of one hundred dollars are recoverable by law; and that it may be lawful for any taxable of said Company, or the Managers thereof, to enter upon any lands through which the said Agricultural Canal passes, for the purpose of removing such obstructions of whatever kind that hinders the free passage of water through the same. ^{Damages for injuries to Canal.} ^{Right of taxables and Managers to remove obstructions.}

SECTION 5. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature. ^{Public Act.} ^{Revocation.}

Passed at Dover, January 27, 1865.

CHAPTER 506.

An Act to Incorporate the Bridgeville Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each Branch of the Legislature concurring therein,) That John R. Sudler, Loxley R. Jacobs, William Cannon, Simon Pennewill, Warren Kinder, George M. Davis, James Prettyman, and such other persons as now or hereafter may be associated with them and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of "The Bridgeville Academy." The object of said Corporation shall be the instruction of students in languages, arts and sciences.

Incorporation.

Name.
Object.Corporate
powers.
Continuance

Proviso.

Honorary
certificates.Capital
stock.Opening
books for
subscriptions, when.Time for
payment of
stock.
Notice.Meeting of
stockholders
to elect trustees.Trustees to
conduct the
business.

SECTION 2. The said Corporation shall have succession for the period of twenty years, with power to sue and be sued, plead and be impleaded in courts of law and equity; to make and use a common seal, and alter the same at pleasure; to take by gift, grant, devise, bequest, contract, or otherwise, and to hold and transfer land, tenements, hereditaments, goods, chattels, rights and credits. *Provided, nevertheless,* That all property of the said Corporation shall not exceed in yearly value the sum of one thousand dollars, and with power to grant to students such honorary certificates as to such Corporation may seem meet.

SECTION 3. The capital stock of the Corporation shall not exceed ten thousand dollars, divided into shares of twenty-five dollars each. The persons in the first section of this act are appointed Commissioners to procure subscriptions, and they, or any three of them, shall open books of subscription to such capital stock, at Bridgeville, on or before the first day of August next, and at such other times and places as the majority of them may determine upon; and whenever, in the opinion of such majority, a sufficient amount of stock shall be subscribed to commence operations, they may call for the payment of the stock subscribed at such times as they may deem expedient, giving thirty days notice thereof, and calling no more than ten dollars on each share at one time.

SECTION 4. On the payment of the first installment, a meeting of the Stockholders shall be called, at a time and place fixed by the Commissioners, at which meeting, and annually thereafter, the Stockholders, in person or by proxy, shall choose by ballot and by a majority of votes, each share being entitled to one vote, seven Trustees, to continue in office one year and until others shall be duly chosen. Any vacancy in the Board of Trustees may be supplied by the others. A failure to elect annually will not dissolve the Corporation. The affairs and business of the Corporation shall be conducted by the Trustees, a majority

being sufficient to elect. They shall elect one of their members President, and may appoint a Treasurer, and employ such other Officers, Professors, Instructors, Agents and Servants as may be necessary, subject to removal by a vote of four members of the Board; may fix their compensation and secure their fidelity by bond or otherwise. They shall have power to make laws, rules and regulations for the government of the Corporation not being inconsistent with the laws of the land, and being subject to repeal or change by the Stockholders in general meeting.

SECTION 5. If any subscriber to the Capital Stock shall refuse to pay any installment on the stock subscribed for or held by him for the space of thirty days after the time appointed for payment thereof and notice to him, the Trustees may either declare such stock forfeited, and sell the same for the benefit of the Corporation, or in the name of the Corporation sue for, and recover the sum remaining unpaid, with costs and interest thereon, and such delinquent shall not, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the Stockholders, or to recover any dividend on their stock.

SECTION 6. Power is hereby reserved to the Legislature to revoke, alter, or amend this Charter.

Passed at Dover, January 27, 1865.

CHAPTER 507.

An Act to amend an Act entitled "An Act to Incorporate the Artisan's Saving Bank."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein,) That Section 3 of an act entitled "An Act to Incorporate the Artisan's Savings Bank," passed at Dover the twenty-eighth day of February, A. D. one thousand eight hundred and sixty-one, be and the same is hereby amended by adding the words: "And Provided further, That it shall be lawful for the said Corporation, for the security of its depositors, and also for the purpose of erecting or purchasing a building for the more convenient transaction of its business, after the payment of dividends to its depositors of not less than five and-one-half per centum per annum, to retain a surplus fund not exceeding

twenty thousand dollars;" and that Section 4 of said Act be amended by striking out the words "for his services as such," after the word "emolument," and in lieu thereof insert the words "other than for services actually rendered."

Passed at Dover, January 31, 1865.

CHAPTER 508.

A Supplement to an Act entitled "An Act to Incorporate the Trustees of the Home for Friendless and Destitute Children in the City of Wilmington."

Preamble.

WHEREAS the Institution incorporated by the Act to which this a supplement has become established on a permanent basis and is being conducted by its founders with a liberal and enterprising spirit; and whereas in order to enable it fully to relieve the destitute within the sphere of its operations, and thus to accomplish the benevolent purposes of its incorporation, funds in addition to those contributed by private charity are now needed and may from time to time become necessary; and whereas the objects of this Institution are wholly of a public and charitable nature, and its influence will greatly improve the condition of the destitute classes, and thereby lessen the burden of taxation for the support of the Poor of New Castle County, Therefore,

Levy Court
empowered
to make an-
nual appro-
priations.

Orders upon
County
Treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Levy Court of New Castle County be and it is hereby authorized and empowered at its discretion, from time to time, not oftener than once annually, to make appropriations out of the funds of said County for the use and disposal of "The Trustees of the Home for Friendless and Destitute Children," in the City of Wilmington; and for that purpose the said Court may draw orders upon the Treasurer of said County, which orders shall be paid by the Treasurer in like manner as are other orders and allowances of the Levy Court made pursuant to existing Laws.*

Passed at Dover, January 31, 1865.

CHAPTER 509.

An Act to amend an act entitled "An Act to incorporate the Wilmington and Brandywine Railroad Company," passed at Dover, March 5, 1861. Vol. 12-135.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: SECTION 1. That the name and title of the said Corporation be changed, and that from and after the passage of this act it be known and designated by the name and title of "*The Delaware and Pennsylvania State Line Railroad Company*," which name shall be inserted in lieu of the former name wherever the same occurs throughout said act. Name changed.

SECTION 2. That Section 1 of said Act be amended by striking out the names of *David C. Wilson, John Wales, Samuel Wollaston, T. Jennifer Adams and Joseph T. Price*, and adding thereto the names of *Alfred D. Jessup, James Bradford, Achilles Hollingsworth, A. J. Barratt, Andrew Eliason, Daniel Corbit, James V. Moore, William Tatnall, Isaac S. Elliott, Joseph Tatnall, William Lea, and John G. Jackson*, so that the said Commissioners, named collectively, shall now be *John H. Price, Evan C. Stotsenberg, William S. Hilles, Alfred D. Jessup, James Bradford, Achilles Hollingsworth, A. J. Barratt, Andrew Eliason, Daniel Corbit, James V. Moore, William Tatnall, Isaac S. Elliott, Joseph Tatnall, William Lea, and John G. Jackson*. Sec. 1 of Chapter 88, Volume 12, amended by striking out names of certain Commissioners.

SECTION 3. That Section 17 of said Act be amended by inserting, next after the enacting clause, the following words, to wit: "*That the end and purpose of granting this act of incorporation is to encourage the construction of a Railroad to connect the Railroads of this State with extensive lines of roads in the State of Pennsylvania, and with the coal and iron regions and lime districts of that State and.*" What to be inserted after the enacting clause.

SECTION 4. That all parts of said Act of Incorporation that are inconsistent with these amendments be and they are hereby repealed. Inconsistent parts of former act repealed.

Passed at Dover, February 2, 1865.

CHAPTER 510.

An Act to "Incorporate the Smyrna and Delaware Bay Railroad Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of each branch of the Legislature,) That George W. Cummins, Samuel M. Fisler, Ayres Stockly, George Davis, James R. Clements, John H. Bewley, Henry C. Douglass, David J. Cummins, John M. Voshell, Isaac D. Budd, John C. Stockly, Isaac Short, Henry N. Wickersham, Joseph C. Griffith, and Thomas L. Sutton be and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they or a majority of them shall procure and cause to be opened at such times and places, and on such notice as they may deem proper, suitable books for subscriptions to the stock of the Smyrna and Delaware Bay Railroad Company, in each of which books shall be made the following entry. We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Smyrna and Delaware Bay Railroad Company the sum of ten dollars for every share of stock set opposite our respective names, in such manner and proportion and at such times as shall be determined by the President and Directors of the said Company; and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the names of any other person or company who may authorize the same, for any number of shares in the said stock. And if any of the said Commissioners shall die, or decline to act before the fulfillment of the duties imposed upon them by this act, others may be appointed in their stead by the remaining Commissioners or a majority of them. The capital stock of the said Company shall be three hundred thousand dollars, divided in thirty thousand shares of ten dollars each, and the Company shall at any time have the privilege and power to increase the said capital stock to a sum not exceeding three times the amount named in this act of incorporation, whenever it shall be deemed expedient so to do by the Stockholders of this Company.*

SECTION 2. *And be it further enacted as aforesaid, That when and as soon as one thousand shares of the capital stock in said Company shall be subscribed [as aforesaid, the subscribers,*] their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of "The Smyrna and Delaware Bay Railroad Company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all Courts of Record and elsewhere, and to purchase, receive, have, hold, and enjoy to*

* Words omitted in the enrolled bill, but found in the original.

them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, and dispose of, and to declare dividends of such portions of the profits of the Company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain by-laws and regulations for the government of the said Corporation, not inconsistent with the Constitution and Laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same. *Provided*, That nothing herein contained shall confer any banking privileges on the said Company, or any other liberties, franchises, or privileges but those which are properly incident to such a corporation. Banking privileges not conferred.

SECTION 3. *And be it further enacted as aforesaid*, That as soon as one thousand shares shall be subscribed as aforesaid, the said Commissioners, after giving at least ten days notice thereof in two or more newspaper published in this State, shall call a meeting of the said subscribers in Smyrna to organize the said Company by the choice and appointment of officers as hereinafter mentioned, and which meeting shall be held at such time as shall be appointed in said notice. Meetings to organize Company.

SECTION 4. *And be it further enacted as aforesaid*, That there shall be an annual meeting of the Stockholders on the second Wednesday of January, in each and every year thereafter, in the Town of Smyrna, for the purpose of electing Directors and for the transaction of other business, of which at least twenty days notice shall be given by the Secretary in two newspapers published in this State. In all meetings of the Stockholders, regularly convened, those present may proceed to business. All questions shall be determined by a majority of the votes given. All elections by Stockholders shall be by ballot, and all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the Stockholders may be called at such times and places as the President and Directors may deem expedient. At such meetings all corporate business of the Company may be transacted. Annual meetings.
For what purpose held.

SECTION 5. *And be it further enacted as aforesaid*, That at the first meeting of the Stockholders, to be held under the call of the said Commissioners, and at every annual meeting of the Stockholders to be held thereafter as aforesaid, they shall elect seven Directors, a majority of whom shall be citizens of this State, and all of them Stockholders in the said Company. The first election of Directors shall be conducted by three of the said Commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by three of the Stockholders not in the Board, to be appointed by the Directors for the time being as judges for Election of Directors.
First meeting of Stockholders.
How conducted.

that purpose. The Directors, immediately after their election, shall proceed to chose one of their number as President of their Company and of the said Board, and their term of office shall be until the annual meeting of the Stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary and [a] Treasurer of said Company, who shall continue in office for the term aforesaid and until their successors shall be duly appointed, unless sooner removed for sufficient cause by the Directors. They shall require of the Treasurer, on his appointment, a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said Company. A majority of the whole number of Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a Chairman of the Board, *pro tempore*. Vacancies in the Board of Directors, and in the office of President, Secretary, and Treasurer, may be filled by the remaining Directors, to continue as aforesaid.

SECTION 6. *And be it further enacted as aforesaid,* That the President and Directors shall hold their meetings in Smyrna, as aforesaid, and in such other places as they may deem expedient, and the said Directors shall have the general direction, conduct and management of the property and works, affairs and operations, and all the concerns of the said Company, and for that purpose shall have power to appoint, and engage and employ, all such officers and agents, engineers, contractors, workmen and laborers, as they shall deem necessary, and to fix the salaries of all officers in the Corporation, and the compensation and wages of all persons employed by them as aforesaid, and to take bond from them or any of them with security for the faithful performance of their duties or contracts; to procure such materials, erect such structures and buildings, and to purchase or employ such engines, cars, and other equipments or supplies for the road, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper and best adapted to promote the objects and subserve the interests of the said Company. They shall have full power to do all acts that may be necessary to effect the purpose for which this said Company is hereby incorporated, and to this end to use the capital stock and funds of the said Company, and to bind by their contracts, under the seal of the Corporation, and the hand of the President, attested by the Secretary, all the property and estate of the said Company. They shall also have the power to make and prescribe the by-laws and regulations for the government of the Company, and to provide certificates of stock under the seal of the Company, and the signature of the President, and countersigned by the Secretary, for all the shares

subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all such other matters and things as by this act and the by-laws and regulations of the Company they are and shall be authorized to do.

SECTION 7. *And be it further enacted as aforesaid,* That it shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed in said Company, and cause the same, signed and sealed, and countersigned as aforesaid, to be issued to the subscribers therefor, which shall be assignable at the will of the holder in the method prescribed in the by-laws of the Company, and the assignee of any such certificate so transferred shall be a Stockholder in said Company and shall be entitled to all the rights and emoluments incident thereto and be subject to all the installments, forfeitures, and penalties due or to become due thereon, as the original subscribers would have been.

Certificates
of stock.

How assign-
ed.

Rights of
Assignee.

SECTION 8. *And be it further enacted as aforesaid,* That the subscribers to the capital stock shall pay to the Treasurer of the said Company the installments on each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said Directors, and if any subscriber shall omit for thirty days after any such call to pay any such installment at the time and place appointed in said notice, he shall pay in addition to the said installment at the rate of two per cent. a month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the Company at the option of the Directors. All sums of money which may accrue to the Company, under this section, may be sued for and recovered as debts of a like amount are recoverable by the laws of this State. *Provided,* That no Stockholder shall be entitled to vote at any election, or in any meeting of the said Company, on whose share or shares any installment shall have been due and payable more than thirty days previous to such election and meeting, or is still unpaid at that time.

Installments
how paid.

Neglect to
pay install-
ments.

Penalty.

Provide.

SECTION 9. *And be it further enacted as aforesaid,* That the said President and Directors shall, from time to time, make and declare dividends of the nett profits of the business of the Company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them; and at each annual meeting of the Stockholders it shall be the duty of the President and Directors of the preceding year to submit a report and to exhibit to them a full and correct statement of the proceedings and affairs of the Company for that year.

Dividends.

Report of the
affairs of
Company to
be made.

SECTION 10. *And be it further enacted as aforesaid,* That the said Company be and they are hereby authorized to survey, lay out and construct a Railroad, not exceeding sixty-six feet in

Company
may con-
struct Rail-
road.

Where.

May unite
with the
Delaware or
Maryland
Railroad.

May enter
upon land.

Damages.
How assessed.

Freeholders
to be sworn.

Their duties.

Damages assessed
paid by the Company.
How.

Title of land
condemned.

width, with one or more tracks, from such point as they may select at or within one mile of Smyrna Station to navigable water on Smyrna Creek, commonly called Duck Creek, or on the Delaware River or Bay, at such point or points as they may select for the eastern terminus of said Railroad, by such route and over such lands as the said Company shall select and fix upon for that purpose, and to connect or unite with the Delaware Railroad, or with the Maryland and Delaware Railroad, or with either or both of them, or with any other Railroad, upon such terms and conditions as shall be arranged and agreed upon between the said Companies, or either of the said Companies respectively, to be reduced to writing and authenticated under the seals of the Companies and the hands of the Presidents, attested by the Secretaries of said Companies respectively, and for the purpose of surveying, locating and constructing the said Railroad, as aforesaid, the said Company shall have full authority to enter upon any land, public or private property, necessary therefor, and to procure sand, gravel, wood and other materials therefrom, and to obtain right and title to the same as hereinafter provided.

SECTION 11. *And be it further enacted as aforesaid,* That whenever any land, sand, earth, gravel, or other materials necessary to be taken and used in the construction of the said Railroad cannot be procured or purchased of the owner thereof, by agreement between him and the Company, the latter may apply to the Superior Court of Kent County, in term time, or to any Judge thereof in vacation, and the said Court or Judge shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the owner or owners will sustain by reason of the said Railroad passing through it in taking and using the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace, or Notary Public, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten days written notice to the owner or owners of the premises, if within this State, and the same to the President of the Company, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing under their hands, or the hands of a majority of them. Any report made as aforesaid, and the damages assessed shall be paid by the Company to the party entitled, or deposited to the credit of such owner or owners in the Bank of Smyrna, subject to his, her, or their order, whether they be under disability or in or out of the State. The title to the land and premises described and condemned in said report for the purposes aforesaid shall be absolutely vested in the said Company, their successors and assigns. The fees of the freeholders and the Prothonotary in all such proceedings shall be fixed by the Court, and in all cases shall be paid by the Company

SECTION 12. *And be it further enacted as aforesaid, That when-* May enter upon or occupy any portion of the shore of Delaware River or Bay.
 ever it shall be necessary or expedient for the said Company to enter upon or occupy any portion of the shore of the Delaware River or Bay, or Smyrna Creek, commonly called Duck Creek, or any other land or lands for the use of said Company, it shall be lawful for them to enter upon the same, and hold, use, occupy and enjoy so much thereof as shall be necessary and proper for the use and benefit of said Company, and may make and construct such piers, docks, wharves, roads, houses, and other May construct piers.
 needful buildings, structures and improvements as may be conducive to the interests and objects of the said Company, and the damages to the owner or owners of any such shore or land, so taken and used by the said Company, shall be ascertained and Damages ascertained as in Sec. 11.
 paid as hereinbefore provided in this act in relation to other property to be taken for the use of said Company. *Provided, however,* That if either party, as well as the owner or owners of any such shore or land mentioned in this section, or of any lands, materials, or other property mentioned in the preceding section of this act, as also the said Company shall be dissatisfied with the damages assessed by the Commissioners as hereinbefore provided, such party may, on application to the Prothonotary of the Superior Court of the county where the said shore, land, or other property lies, within thirty days after such assessment by the said Commissioners, sue out a writ of *ad quod damnum*, Writ of ad quod damnum, How taken.
 requiring the Sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages assessed, and their report shall be final. *Provided, further,* That in the event of a writ of *ad quod damnum* being sued out as aforesaid, if the damages assessed by the jury selected by the said Sheriff shall exceed the damages assessed by the Commissioners under the preceding section, the costs of said writ shall be paid by the defendant or defendants in the suit; but if they do not exceed the damages assessed by the Commissioners aforesaid, the party or parties suing out said writ shall pay the costs, and the person, persons, or company who may be entitled to the same, may recover the said costs by action of debt or otherwise, as debts of Costs. Who to pay.
 a like amount are recoverable by the laws of this State. Whereupon the said Company paying the damages so assessed as last aforesaid shall become entitled to have, hold, use and enjoy the said land for the purposes by them required as aforesaid, and in case any owner of land necessary for the purposes of said Company shall be a minor or non-resident, or for any cause incapable of receiving, or unwilling, or neglecting to receive said damages, or to call upon the said Company for the same, the Where the owner of the land is a minor or non-resident.
 said Company [shall] deposit the amount of the said damages to the credit of such owner or owners in the Bank of Smyrna. subject to his or their order, whereupon the said Company shall be entitled to have, hold, use and enjoy the said land and premises

required for the purposes of said Company, for or on account of which damages shall have been so assessed; and in case of the death, or refusal, or inability to serve of any such Commissioners, the said Superior Court, in term time, or any judge thereof in vacation, upon the application of said Company, may fill any such vacancy, and the Commissioner or Commissioners thus appointed, being first qualified as hereinbefore required, shall have full power to act in the premises as and with the other Commissioners appointed.

Vacancies among the Commissioners. How supplied.

Authority of Company to build houses &c.

Final surveys to be recorded. Where.

Power of the Company to charge freight.

Tolls, freight and passage.

Non-election of officers not to dissolve Corporation.

SECTION 13. *And be it further enacted as aforesaid,* That the said Company shall have full authority and power to buy, lease, build and hold houses, shops, depots, bridges, and other necessary works and improvements, and also real estate necessary for their corporate purposes, and when the final survey of any part or parts of said road shall be made by the Company's Engineers, such survey shall be recorded in the Recorder's Office of the County where the land surveyed is situated, and the record thereof shall be evidence of the route and limits of said Railroad.

SECTION 14. *And be it further enacted as aforesaid,* That on the completion of said Railroad, or any section thereof, it shall and may be lawful for the said Company to demand and receive such sum or sums of money, for tolls, freight, and passage of persons and property, as they shall from time to time think reasonable and proper.

SECTION 15. *And be it further enacted as aforesaid,* That if any person or persons shall wilfully and knowingly break, injure or destroy the Railroad, or any part thereof, or any building, depot, house, shop, bridge, car, or other property of the said Company or by them constructed or made under the authority of this act, or shall in any manner obstruct the free passage along the said Railroad, he, she, or they, so offending, shall forfeit and pay to the said Company, three times the actual damages so sustained, to be sued for and recovered with costs of suit before any Justice of the Peace, or in any court having cognizance thereof; by action of debt or on the case, in the name and for the use of said Company and every person so offending shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding one thousand dollars and imprisoned at the discretion of the Court.

SECTION 16. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said Company shall not be held and had pursuant to the provisions and appointments of this act, the Corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days notice thereof, in two newspapers published in this State, of the time and place of holding such election.

SECTION 17. *And be it further enacted as aforesaid,* That the said Company shall have power, from time to time and at all times, to increase its capital stock as aforesaid, and from time to time to borrow money for corporate purposes or uses not exceeding in the aggregate of the whole amount so borrowed five hundred thousand dollars. Company may increase capital stock

SECTION 18. *And be it further enacted as aforesaid,* That the said Company shall have full power to purchase and hold all real estate necessary for the purposes of said Railroad or any of their works, to buy and build whares, houses, and shops for corporate purposes, to purchase and hold steamboats to ply in connection with the said road to any other place or places whatsoever, and to contract with the owner or owners of any steamboat and any other railroad or other Company for transportation and passage to and from the said Road. Power to hold real estate. Steamboats.

SECTION 19. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all Courts of law and equity in this State, and that this charter shall be deemed and held to be perpetual, or without limitation as to time, subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said Company, which power is hereby reserved to the Legislature. Public Act. Right of revocation.

Passed at Dover, February 14, 1865.

CHAPTER 511.

An Act to limit the term of Office of the State Treasurer and Auditor of Accounts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That no person shall hold the office of State Treasurer or Auditor of Accounts of said State for more than two years in any term of six years. Limit on term of office of State Treasurer and Auditor.

Passed at Dover, February 15, 1865.

CHAPTER 512.

An Act to authorize the Laying Out a Public Road in Broadkill Hundred.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That N.*

Commissioners appointed to lay out a new road.

Where to be laid out.

May employ a surveyor.

Plot.

Damages.

Return of commissioners—what to show.

W. Magee, Robert L. Lacey, Robert B. Hopkins, William A. Scott, and William W. Veasey, of Sussex County, be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road, commencing at a point in the road leading from Milton to Lewes, at the dividing line of the lands of Samuel Martin and Jehu Clendaniel, thence with said dividing line in a south-easterly direction through the lands of Andrew J. Holland and others, until it intersects with the road leading from Milton to Cool Spring and St. George's Chapel, and if the aforesaid Commissioners, or a majority of them, shall determine that there is need of a new public road as above mentioned, then they shall, with the assistance of some skillful surveyor, to be by them employed, lay out such public road as shall be most proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public or private convenience or detriment, and shall cause a plot of the said road to be made, representing the courses and distances thereof, and shall assess any damage which may accrue to the owner or owners of the lands through which the said public road shall pass, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of the owners, and shall make a commutation of the costs of opening and making said public road and making the bridges and causeways thereon, if any, setting down the several items of said costs, and shall in their return set forth a description of the said public road, and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

Plot and return—where filed.

Damages how paid.

SECTION 2. *And be it further enacted by the authority aforesaid, That the plot and return so to be made as aforesaid by the said Commissioners, or a majority of them, shall be returned to the Clerk of the Peace, in and for Sussex County, to be by him laid before the Levy Court of the said County, and the said Levy Court shall adopt and establish the said public road, and may make such allowance for damages to persons through whose lands the said road may pass as they shall deem right and proper.*

Wm. V. Coulter and Samuel Martin to oversee the making of the

SECTION 3. *And be it further enacted by the authority aforesaid, That William V. Coulter and Samuel Martin, of Sussex County, be and they are hereby appointed to superintend and oversee*

the making and completing the aforesaid public road, and they shall present their vouchers for making and completing the same to the Levy Court of Sussex County for settlement.

SECTION 4. *And be it further enacted by the authority aforesaid,* That the aforesaid N. W. Magee, Robert L. Lacey, Robert B. Hopkins, William A. Scott and William W. Veasey, and the Surveyor employed by them, shall, before performing the duties herein assigned them, be severally sworn or affirmed to perform the duties incumbent upon them under this act faithfully and impartially according to the best of their skill and judgment; and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties. Commissioners and surveyors to be sworn.
Compensation.

SECTION 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws inconsistent with this act are hereby repealed, and this shall be deemed and taken to be a public act. Inconsistent laws repealed.
Public Act.

Passed at Dover, February 16, 1865.

CHAPTER 513.

An Act to amend an act to Incorporate a Company for making an Artificial Turnpike Road from the Borough of Wilmington to the Village of Christiana, New Castle County. Vol. 5-72.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled "An act to incorporate a Company for making an Artificial Turnpike Road from the borough of Wilmington to the Village of Christiana, in New Castle County," passed at Dover, January 30, 1815, be and the same is hereby amended by striking out the whole of the twenty-seventh section of said act, and inserting in lieu thereof, and for and as the twenty-seventh section thereof, the following: 5th vol. Chap. XLV. Sec. 27. Amended.

SECTION 27. *And be it enacted,* That hereafter every person who shall prefer an annual contract for the use of the said road, shall be entitled, for himself and family, to all the benefits of the same by application to the present managers of said road, and by paying to the toll receiver, quarterly in advance, at the rate of fifty per centum upon the full amount of tolls for the actual use of the road in any year, to be ascertained from an actual Commutation of rates.

account of the actual travel of such person and his family during the next previous year, to be kept by the toll receiver. *Provided*, That no quarterly payment under such contract shall be less than seventy-five cents. *And provided also*, That no annual contract, made as aforesaid, shall extend to heavy wagons, carts, dearborns, or vehicles of any description, and for carrying wood, grain, or any other kind of country produce or commodities; but if the owner of such team wish to contract by the year, he shall have the right so to do, as hereinbefore provided. *And provided nevertheless*, Should any person so contracting for the road for the year refuse or neglect to pay said commutation quarterly in advance as aforesaid, then the collector shall charge and collect the tolls for each passage as though no such annual contract had been made.

Section 16
amended.
How amend-
ed.

SECTION 2. *Be it further enacted*, That the words, "except, as to commutation" in the twelfth line of the sixteenth section of the said act, be stricken therefrom.

Passed at Dover, February 16, 1865.

CHAPTER 514.

An Act to Relieve the People of this State from Draft.

Preamble.

WHEREAS the President of the United States, by his proclamation of December 19th, 1864, under the authority vested in him by an Act of Congress approved July 4th, 1864, entitled "An act further to regulate and provide for the enrolling and calling out the National forces, and for other purposes," has called for three hundred thousand volunteers, and has ordered that immediately after the fifteenth day of February, 1865, a draft for troops to serve for one year shall be had in every town, township, ward of a city, precinct or election district, or county not so subdivided, to fill the quota which shall be assigned to it under this call or any part thereof which may be unfilled by volunteers on the said fifteenth day of February, 1865; And whereas the draft ordered as aforesaid would bring ruin and suffering upon many persons in this State liable to its operation and those dependent upon them for support and protection; And whereas this General Assembly desires to avert from the people of this State the calamitous consequences of the proposed draft, so far as they can do so within the scope of their legislative functions,

Therefore, without committing themselves or the people of this State to the purposes or objects of the present war, and solely from necessity and to avoid greater suffering to the people of this State whose involuntary service is demanded,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That every white person who shall, after the passage of this act, and prior to the time when the draft ordered as aforesaid shall actually take place, voluntarily enlist in the military service of the United States for any period not less than one year, and who shall be duly credited to this State in any draft for a deficiency in the quota of this State under the call of the President, recited in the preamble to this act, shall, upon satisfactory proof to the Commissioners named in Section 4 of this Act, or a majority of them, that he has voluntarily enlisted in the military service of the United States for any period not less than one year, and has been duly credited to this State as aforesaid, be entitled to and shall receive the sum of two hundred dollars as a bounty from this State, to be paid as hereinafter provided.

Every white person volunteering and credited to quota, to receive \$200.

SECTION 2. *And be it further enacted by the authority aforesaid,* That every white person liable to the draft ordered by the President as recited in the preamble to this act, who shall after the passage of this act and prior to the time when the draft ordered as aforesaid shall actually take place, furnish an acceptable substitute who shall be mustered into the military service of the United States for one, two, or three years, as contemplated by the call of the President aforesaid, and duly credited to this State under the call aforesaid, shall be entitled to and shall receive from this State the sum of three hundred dollars if for one year, four hundred dollars if for two years, and five hundred dollars if for three years, to aid him in the procurement of such substitute, to be paid as hereinafter provided.

Every white person liable to draft under call of Dec. 19, 1864 who may put in substitute before draft, for one year to receive \$300.

For two years \$400.
For three years \$500.

SECTION 3. *And be it further enacted by the authority aforesaid,* That in case the quota of this State under the call aforesaid of the President of the United States shall not be filled by volunteers and by substitutes furnished prior to the time when the draft to fill such quota shall actually take place, and a draft or drafts upon the citizens of this State shall be made to fill said quota, any white person in this State drafted into the military service of the United States, who shall furnish an acceptable substitute, who shall be mustered into said service and accepted in lieu of said person so furnishing such substitute, shall be entitled to and shall receive from this State the sum of five hundred dollars to aid him in the procurement and payment of such substitute, to be paid as hereinafter provided.

Every drafted white man who may put in substitute under call aforesaid to receive \$500.

SECTION 4. *And be it further enacted by the authority aforesaid,* That John Farsons, of New Castle County, James G. Waples, of

Commissioners

Kent County, and Major W. Allen, of Sussex County, be and they are hereby appointed Commissioners under this Act to perform the duties hereinafter required. Each of said Commissioners shall have full power and authority to act and perform all the duties of a Commissioner, as hereinafter specified, and shall receive for each day's service in the performance of his duties as Commissioner the sum of five dollars, besides the expenses necessarily incurred in the performance of said duty, and may draw upon the State Treasurer upon his own order for the same.

Compensation.

SECTION 5. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person has voluntarily enlisted in the military service of the United States for any period not less than one year after the passage of this act and prior to the time when the draft ordered as aforesaid shall actually take place, and has been accepted and mustered into said service and been duly credited to the quota of this State under the call of the President aforesaid, the Commissioners named and appointed in Section 4 of this act, or a majority of them, are hereby authorized, empowered and required to draw a warrant upon the State Treasurer in favor of such white person so volunteering and credited to the quota of this State aforesaid for the sum of two hundred dollars for the bounty provided for in Section 1 of this Act.

Proof of enlistment.

Duty of commissioners.

SECTION 6. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person in this State liable to be drafted into the military service of the United States under the draft ordered by the President of the United States as aforesaid has, after the passage of this act and prior to the time when the draft ordered as aforesaid shall actually take place, furnished an acceptable substitute, who has been mustered into the military service of the United States for one, two or three years, as the case may be, and been accepted in lieu of the person so furnishing such substitute and been duly credited to the quota of this State, under the call aforesaid, it shall be the duty of the Commissioners named and appointed in Section 4 of this Act, and they, or a majority of them, are hereby authorized, empowered and required to draw a warrant in favor of such white person so furnishing such substitute upon the State Treasurer for a sum corresponding to the term of such substitute as provided in Section 2 of this Act, to aid him in the procuration and payment of such substitute.

Proof of substitution before draft.

Duty of commissioners.

SECTION 7. *And be it further enacted by the authority aforesaid,* That upon satisfactory proof that any white person in this State, who shall have been drafted into the military service of the United States under any draft made to fill the quota of this State under the call of the President aforesaid, has furnished an

Proof of substitution after draft.

acceptable substitute who has been mustered into the said service and accepted in lieu of such drafted white person, it shall be the duty of the Commissioners named and appointed in Section 4 of this Act, and they or a majority of them are hereby authorized, empowered and required to draw a warrant in favor of such drafted white person so furnishing such substitute upon the State Treasurer for five hundred dollars, as provided in Section 3 of this Act, to aid him in the procuration and payment of such substitute. *Provided*, That no warrant shall be drawn upon the State Treasurer for a sum greater than the amount actually paid for such substitute under the provisions of this act, which may be ascertained by the oath or affirmation of the party furnishing such substitute, or by the oath or affirmation of some credible person furnishing such substitute for him. Either of the Commissioners named in Section 4 of this Act may administer such oath or affirmation.

Duty of commissioners.

Proviso.

SECTION 8. *And be it further enacted by the authority aforesaid*, That the provisions of Section 1 and 2 of this Act shall not extend to or be applicable to any person volunteering in the military service of the United States, or furnishing a substitute after the quota of this State, under the call of the President of the United States, shall have been filled; nor shall the Commissioners aforesaid. have any authority to draw warrants upon the State Treasurer in favor of any person volunteering or furnishing a substitute after the quota of this State shall have been filled as aforesaid.

No aid after quota is filled.

SECTION 9. *And be it further enacted by the authority aforesaid*, That for the purpose of providing funds to meet the warrants authorized to be drawn by the Commissioners aforesaid, for the purposes aforesaid, the State Treasurer be and he is hereby authorized, empowered, directed and required to cause to be made the bonds of this State to an amount not exceeding one million dollars; the said bonds to be made of the denomination of one thousand dollars each, and to be payable on or before the first day of January, in the year of our Lord one thousand eight hundred and eighty-five, and to bear interest at the rate of six per centum per annum, payable semi-annually on the first day of July and the first day of January, in each and every year, at the Farmers' Bank of the State of Delaware, at Dover, and shall be in the following form, with coupons attached, to wit:

State Treasurer authorized to make bonds.

Amount Denomination.

UNITED STATES OF AMERICA.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars, lawful money of the United States of America, which she binds herself to pay to the bearer on or before the first day of January, A. D. 1885, with interest, at the

Form.

rate of six per centum, payable at the Farmers' Bank of the State of Delaware, at Dover, on the first day of January and July, until the principal be paid.

Dated at Dover the first day of January, 1865.

Witness the Great Seal of the said State, and the hands of the Governor, Secretary of State and State Treasurer.

{ SEAL }

GOVERNOR.
SECRETARY OF STATE.
STATE TREASURER.

The said bonds shall each be dated the same day, shall be signed by the Governor, Secretary of State, and State Treasurer, on behalf of the State, and shall have the Great Seal affixed, and may be dated so as to bear interest from the first day of January, A. D. 1865; the first payment of interest shall be made on the first day of July, A. D. 1865, and shall be for the amount of the interest due on said bonds from the date thereof until the said first day of July.

Bonds to be
sold.
How,
When,
Where.

Notice of
sale.

SECTION 10. *And be it further enacted by the authority aforesaid.* That the State Treasurer be and he is hereby authorized, empowered and required to sell and deliver such number of said bonds as may be necessary to provide the funds required to pay the warrants authorized to be drawn upon him by the Commissioners named and appointed in Section 4 of this Act. The sale of said bonds shall be made through such brokers in the City of Wilmington, or elsewhere, to the person or persons who will pay the highest price for the same, as the State Treasurer may appoint, but no sale thereof shall be made until such notice shall have been given by said brokers as may be required by the State Treasurer. *Provided,* That the bonds sold at any time shall not exceed two hundred and fifty thousand dollars.

Bonds
where to be
deposited.

SECTION 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the State Treasurer, after the said bonds shall have been signed by the Governor and Secretary of State, with the Great Seal affixed, to deposit said bonds in the Farmers' Bank of the State of Delaware, at Dover, without his own name affixed thereto, and the said bonds shall not be taken therefrom except for the purpose of selling, as provided in Section 10 of this Act, nor shall the State Treasurer sign his own name to said bonds until the day he shall offer the same for sale as aforesaid.

Faith of the
State pledged.

SECTION 12. *And be it further enacted by the authority aforesaid,* That the faith of the State is hereby firmly pledged for the payment of the principal and interest of said bonds.

SECTION 13. *And be it further enacted by the authority aforesaid,* That for the purpose of meeting any demands upon the Treasurer

created in consequence of this act until the bonds authorized by this act can be sold, the State Treasurer be and he is hereby authorized, empowered and required to borrow, from time to time, and on such times as he may deem necessary, not exceeding sixty days, any sum or sums not exceeding one hundred thousand dollars which may be required for that purpose, to be paid out of the proceeds of the sale of the bonds of this State aforesaid.

State Treasurer authorized to borrow money.

SECTION 14. *And be it further enacted by the authority aforesaid,* That the proceeds of the sales of the bonds authorized by this act are hereby appropriated to the payment of the warrants authorized by this act to be drawn upon the State Treasurer, and to the expenses necessarily incurred by that officer in the performance of the duties imposed upon him by this act, and to the payment of any money borrowed under the provisions of Section 13 of this Act.

Proceeds of bonds—how applied.

SECTION 15. *And be it further enacted by the authority aforesaid,* That the State Treasurer shall receive for his services under this act one-tenth of one per centum on the amount received from the sale of said bonds, and shall be allowed in addition thereto all expenses necessarily incurred in the performance of the duties required of him by this act. *Provided,* That the whole amount of compensation to said Treasurer, above the expenses incurred as aforesaid, shall not exceed the sum of three hundred dollars. He shall keep an accurate account of such expenses and exhibit the same to the Auditor of Accounts with his vouchers for settlement. He shall report to the General Assembly of the State at their next meeting, in January next, the number and denomination of the bonds sold and the amount realized therefrom, with the names of the purchasers of said bonds, and the amount applied by him to the payment of the warrants authorized to be drawn upon him by this act. He shall be liable upon his official bond for the faithful performance of the duties imposed by this act.

State Treasurer to receive one-tenth of one per cent.

Compensation not to exceed \$300.

Account.

Report.

Liable on his bond.

SECTION 16. *And be it further enacted by the authority aforesaid,* That if either of the Commissioners named in this act shall die, or refuse or neglect to serve, the other Commissioner or Commissioners shall have power and are hereby authorized to fill the vacancy from the county in which the vacancy shall occur.

Commissioners—vacancy—how filled.

SECTION 17. *And be it further enacted by the authority aforesaid,* That the State Treasurer shall not sell the bonds aforesaid to a greater amount than may be necessary to pay the demands upon the Treasury created by this act, and it shall be the duty of said State Treasurer, after full provision has been made by the sale of a sufficient number of said bonds to pay such demands, to keep safely such bonds as he may have issued and remain unsold, and to report the number of such bonds to the General Assembly at its next meeting, to be by the Legislature disposed of as they may deem proper.

Sale of bonds limited.

Surplus bonds—how disposed of.

Passed at Dover, February 16, 1865.

CHAPTER 515.

An Act to authorize Thomas F. Jones to straighten and shorten a portion of a County Road, in Nanticoke Hundred, Sussex County.

Thos. F.
Jones au-
thorized to
straighten a
public road.

How to
straighten.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Thomas F. Jones be and he is hereby authorized and empowered to straighten and shorten that portion of the public road leading from Knowles' Cross-Roads to the Old Furnace Mill, where the same passes through or by the lands of the said Thomas F. Jones, beginning at or near a gum tree with grape vine thereon, standing in the middle of said county road leading from Knowles' Cross-Roads to the Old Furnace Mill, running from thence north fifty-six degrees, west sixty-three and six-tenths perches, or until it intersects the old portion of county road aforesaid.

Expenses—
how paid.

Old road va-
cated.

When.

SECTION 2. *Be it enacted by the authority aforesaid, That* the road so straightened and shortened be put in good order for the public travel, at the width of thirty feet, at the expense of the said Thomas F. Jones, and shall be a public road, and that the old road shall be vacated whenever the said new road shall be accepted by the Levy Court of Sussex County; and that immediately upon the acceptance of said new road by the Levy Court of said County the said Thomas F. Jones shall have full power and authority to close up such portions of the old road which may be vacated or supplied by the new road.

Passed at Dover, February 17, 1865.

CHAPTER 516.

Vol. 8, p. 28,
Chapter 12.

A further additional Supplement to an act entitled, "An act to Incorporate a Company for the purpose of Cutting and Making a Canal between the Chesapeake Bay and Bay or River Delaware or the waters thereof."

Preamble.

WHEREAS this Legislature hath been requested by the Chesapeake and Delaware Canal Company to alter change and amend its original act of incorporation and the supplement or supplements thereto, by the enactment of the following provisions; and whereas it appears to this Legislature just and equitable to comply with said request; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch concurring,) That the word "fourteen," in the third line of the twelfth Section of the act entitled, "A further additional supplement to an act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and Bay or River Delaware, or the waters thereof," passed at Dover, June 15th, 1836, shall be stricken therefrom, and in lieu thereof that the word "six" shall be inserted, and that the word "eight," in the fifth line of said Section shall be also stricken therefrom, and in lieu thereof the word "four" shall be inserted, and in any editions of the laws of this State hereafter to be published, the said Section shall be printed as it is hereby altered and amended.

Twelfth Section of act amended.

SECTION 2. *And be it enacted,* That part of the eighth Section of the said original act of incorporation, which provides a rate of ten cents toll for every gross hundred weight of all other commodities or packages, shall be altered and amended to read as follows: "Every gross hundred weight of all other commodities or packages shall pay twenty cents" instead of the ten cents therein provided, and that the word "chaldron," shall be stricken out of the said Section, and the words "twenty-two hundred and forty pounds" in place of the said word "chaldron" shall be inserted, and in any edition of the laws of this State hereafter to be published, the said Section shall be printed as it is hereby altered and amended.

Vol. 3, Chapter 78, Sec. 8, of original act amended.

Future publication.

Passed at Dover, February 17, 1865.

CHAPTER 517.

An Act to amend the Charter of "The Kent County Mutual Insurance Company," and to extend the same for the period of twenty years.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring herein) *as follows:*

SECTION 1. The act entitled an act to incorporate "The Kent County Mutual Insurance Company, passed on the 15th day of January, A. D. 1849, be and the same is hereby extended and continued in force as hereby altered and amended for the period of twenty years from and after the passage of this act, and the same shall hereafter be read and construed in and by the words following, viz :

Former act.

Continuance

Incorporation.

SECTION 2. The present members of "The Kent County Mutual Insurance Company," with such others as may become members, are created a body corporate by the name aforesaid for the purpose of insuring their respective dwelling-houses, stores, shops and other buildings, furniture, merchandise, and other property against loss and damage by fire, and the said Corporation shall have all the legal incidents of a Corporation aggregate, and also the power to purchase and hold real estate, the clear yearly rental value of which shall not exceed three thousand dollars, and the same to dispose of from time to time as may promote its interests.

Limitation of property.

Directors.

SECTION 3. The affairs of said Company shall be conducted by a board of nine Directors, to be elected at the annual meeting of the members on the third Monday of January, for one year, and until others are duly elected. They may chose a President,

Their duties.

Secretary, Treasurer, Surveyors, Appraisers and other necessary agents; may fill vacancies in their own body and perform any duty required by this act, or by the by-laws of the Company made in pursuance of it. A majority shall form a quorum, but a smaller number may make insurance. Before discharging any

Oath.

of their duties the Directors shall be sworn or affirmed, according to law, that they will discharge said duties with fidelity. Such oath shall be certified by the officer administering it and be recorded on the books of the Corporation.

Elections.

SECTION 4. The present managers of said Company shall be the Directors until the next annual meeting, and until others are duly elected. Such elections shall be by ballot and by plurality of votes on due notice given, and the result shall be certified by the judges who shall be three members who are not Directors.

Who entitled to vote.

The right to vote shall be according to the following regulations: Every person then a member of the Company, that is, every person who at the time shall have paid up his interest for the then current year, shall be entitled to at least one vote, and to as many more votes as he has paid up for such year dollars of interest on his premium note held by said Company; for example: a person paying as interest on his premium note for the then current year a less sum than one dollar, shall be entitled to one vote, and all who pay a greater sum than one dollar as such interest shall be entitled to one vote for each dollar of such interest paid. Absent members, wherever residing, may vote by proxy duly constituted. Semi-annual meetings of the members shall be held

Meetings of members.

on the third Monday of June and January. Special meetings shall be called whenever twenty members shall so request of the President in writing; and the Directors shall meet at least quarterly, and as much oftener as the President may require.

Meetings of Directors.

Powers of Directors.

SECTION 5. The Directors may settle the rates of insurance, the sum to be insured, the amount of deposit notes, the form of

policy, and all other matters necessary to effect the objects of this act, subject to the control of the members by general resolution or by-laws.

SECTION 6. To procure insurance, applications shall be made as required by the by-laws, stating truly the description of the property, which shall be valued by a Surveyor or Director, and the insurance shall be subject to the terms and conditions expressed in the policy, or endorsed thereon. Mode of insuring.

SECTION 7. Every person who shall become a member of the Corporation by insuring therein, shall execute to the Company a note or bill obligatory for such sum, being a per centage on the amount insured, as the Directors shall require, in proportion to the risk, payable in whole or in part, at any time when it shall be necessary for payment of losses or incidental expenses; and for the purpose of raising a contingent fund to pay losses and expenses, he may be required to pay interest thereon annually, in advance; but such payments, and all payments made by the insured, shall be entered to his credit on the Company's books, and shall be applicable to his liabilities as a member; and on his withdrawal, or ceasing to be a member, the deposit note, or bill, and all unappropriated interest thereon, shall be surrendered and paid back to him at the next annual meeting. If interest be not paid when due, the insurance shall be suspended until it is paid, without removing the liability of the delinquent as a member of the Company. But he shall be dismissed from the Company if the interest be not paid for two consecutive years. The Directors may loan or invest any portion of the contingent fund not presently needed. Deposit notes. Non-payment of interest. Power to loan.

SECTION 8. When any property insured shall be alienated or sold to another, the insurance shall be vacated until the policy shall be transferred with the consent of the Company endorsed thereon, and the alienee, or vendee, may be required to execute another deposit note or bill, and he shall thereupon be a member of the Company, and any policy may be adjusted at the request of either party, otherwise it will not need renewal. Property assigned.

SECTION 9. Every member of the Company shall be bound to pay for losses sustained, and for the necessary expenses of the Company, in proportion to the amount of his deposit note or bill, and the Company shall have a lien on all property insured, in the nature of a mortgage, to the amount of the deposit note or bill, which shall continue during the policy. Suits at law may be maintained by the Corporation against any of its members for the collection of such note or bill, or any assessment thereon, or for any liability to the Company; and suits may be maintained and prosecuted by any member against the Corporation for loss or damage by fire, if payment be withheld ninety days after notice duly given of such loss; and no member, not a party to the suit, shall on that account be an incompetent witness. Liability of members in case of loss.

Losses—how
paid.

SECTION 10. The Directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after any judgment recovered against the Company for such loss or damage, settle and determine the sums to be paid by the several members whereof, as their respective proportions of such loss, which shall be paid—first, out of the contingent interest fund; secondly, by calling for a part or the whole of the deposit notes and bills; and finally, if the whole amount of such deposit notes and bills shall be insufficient at any time to pay the losses, the sufferers insured shall receive a proportionate dividend of said amount, and in addition thereto a sum to be assessed on all the members of the Company, ratably, but not exceeding one dollar on every hundred dollars insured to them respectively; and no member shall ever be required to pay for any loss occasioned by fire, at any one time, more than one dollar on every hundred dollars insured in said Company in addition to the amount of his deposit note or bill and the interest paid or due thereon, nor more than that amount for any such loss after his said note or bill shall have been paid in and expended.

Assessment—
When to be
paid.

SECTION 11. Any call upon the deposit notes or bills, and any additional assessment as aforesaid upon the members, shall be payable to the Treasurer in thirty days. The Directors may appoint a collector for the purpose of collecting the same, and if any member for the space of thirty days after demand shall neglect or refuse to pay the sum so assessed upon him, as his proportion of any loss as aforesaid, the Directors may declare his insurance suspended until paid, and may also sue for and recover the whole amount of his deposit note or bill and unpaid interest, or any additional assessment, or both, with costs of suit; the amount thus collected shall go to the credit of the party paying it, and if any balance remain it shall be returned to him after the next annual meeting, when his policy shall be vacated and he discharged from the Company.

Failure to
pay.

Continuance

SECTION 12. This act shall continue in force for twenty years and no longer, unless resumed; and the Legislature hereby reserves the power of revocation.

Act of Feb-
ruary 22,
1847, repeals
ed.

SECTION 13. The act entitled, "An act to Incorporate 'The Kent County Mutual Insurance Company;'" passed February 22, 1847, be and the same is hereby repealed.

Passed at Dover, February 17, 1865.

An Act t

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Company in-
corporated.
When.

Name and
corporate
powers.

Banking
powers pro-
hibited.

Business to
be managed
by five Di-
rectors.

Of their
election.
When.
Where.
How held.

Vacancies in
the offices of
Directors.
How filled.

SECTION 2. *And be it further enacted as aforesaid,* That when and as soon as seventy shares of capital stock in said Company shall be subscribed for as aforesaid, the subscribers, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of "The Wilmington Steamship Company," and by the said name they shall have continued succession for twenty years and no longer, and be capable to sue and be sued in courts of law and equity. They shall have power to purchase or build one or more steamships to run between the City of Wilmington in this State, and the City of New York, touching at any point or points on the Delaware river or bay. They shall also have power to rent or purchase and hold such lands, wharves, tenements, machinery or fixtures as may be useful to them in conducting properly such a line of steamers; they shall also have power to connect their wharf or wharves by rail with any railroad in the City of Wilmington, with the assent of the Company owing the same; they shall have a common seal, may ordain by-laws for their own government not repugnant to the Constitution or Laws of this State or the United States, and may enjoy all the franchises incident to a corporation. *Provided always,* That the said Corporation shall not have nor exercise any banking powers whatever.

SECTION 3. *And be it further enacted as aforesaid,* That the business and concerns of said Corporation shall be managed by five Directors, who shall be Stockholders, and three of whom shall be citizens of Wilmington, Delaware. They shall be elected at each annual meeting of the Stockholders, which shall be held at the office of the Treasurer on the second Tuesday in January in every year, and they shall continue in office until the next successive annual meeting, and until successors to them be duly chosen. The Directors shall be elected by ballot by the Stockholders in person or by proxy, who shall have a vote for every share of stock, and a majority of the votes given in shall be necessary to a choice; and such ballots shall be made from time to time until the requisite number of Directors shall have a majority. If any Director cease to be a Stockholder, or if any vacancy or vacancies shall occur therein by death, resignation, refusal to serve, or from any other cause, the remaining Directors or Director shall choose one or more Directors to serve until the next election in course, or until successors shall be duly chosen; but if vacancies shall exist at any time in all the offices of Directors, or if such Directors shall not be chosen at the time appointed herein, this Corporation shall not thereby cease, but in the former case such persons shall manage the business and concerns of the said Corporation as may be provided by its by-laws, and in the latter case the Directors shall continue in office until successors shall be actually chosen and enter on the duties of their office. The Directors shall choose from among their

number a President who shall have such powers and duties as shall be provided by the by-laws; they shall also appoint other necessary officers for the Corporation, and may require bond, with proper security, from any of the said officers, if they deem it necessary. choose President and other officers.

SECTION 4. *And be it further enacted as aforesaid,* That the by-laws shall be made by the Directors of said Company, subject to alteration or amendments at any time by consent of two-thirds of the Directors. By-laws.

SECTION 5. *And be it further enacted as aforesaid,* That the Directors shall cause to be kept proper books of accounts in which shall be regularly entered the transactions of the said Corporation, which books shall at all times be subject to the inspection of the Stockholders, and the Directors shall cause to be exhibited to the Stockholders, at their annual meeting, a statement of the affairs and doings of the Company. No Director shall have any emolument except such as shall be allowed by the Stockholders at their annual meeting. Books of accounts.
Annual statement of the affairs of the Company to be exhibited to stockholders

SECTION 6. *And be it further enacted as aforesaid,* That the shares of the capital stock of this Corporation shall be personal property, and shall be created, certified, held, arranged and assignable according to the provisions of the by-laws. The capital stock shall be paid in such manner and in such installments and at such times as the Directors shall appoint, and the same shall be liable to be forfeited according to the provisions of the by-laws. Capital stock to be personal property.

SECTION 7. *And be it further enacted as aforesaid,* That the stated meetings of the Directors shall be held at the office of the Treasurer, which said office shall be located in the City of Wilmington, Delaware. Meetings—where held.

SECTION 8. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act. Public act.

Passed at Dover, February 21, 1865.

CHAPTER 520.

*An Act to Incorporate the Delaware and Chesapeake Tow Boat Company.*Company
incorpora-
ted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two thirds of each branch concurring,) That Wilmon Whilldin, Thomas Clyde, William H. Howell, Andrew C. Gray, and William B. Hatch, and such other persons as are or hereafter shall become Stockholders in the Delaware and Chesapeake Tow Boat Company, be and the same are hereby declared to be, by virtue of this act, one body corporate in fact and in law, and shall have succession by the name, style and title of "The Delaware and Chesapeake Tow Boat Company."

Name.

Powers.

SECTION 2. *And be it further enacted,* That the said Corporation and their successors shall hereafter be able and capable in law to sue and be sued, plead and be impleaded, to have and use a common seal, and to own, receive, possess, employ and dispose of ships, vessels, steamtugs, and boats with their appurtenances, with all such rights and powers as are or may be properly incident to a Corporation having for its object the towing of vessels, ships and barges, in whole or in part by steam, to and from the Delaware and Chesapeake Bays and their tributaries, by the way of the Chesapeake and Delaware Canal.

Meeting of
stockholdersElection of
Directors.Directors to
choose Pres-
ident and
Secretary.Capital
stock to con-
sist of 1000
shares of
\$100 each.
Privilege to
increase.
Stockhold-
ers entitled
to one vote
for each
share of
stock held.

SECTION 3. *And be it further enacted,* That the Stockholders shall meet on the first Tuesday of February, A. D. one thousand eight hundred and sixty-six, and on that day in every year thereafter, in the City of Philadelphia, in the State of Pennsylvania, and choose, by a majority of votes present, five Directors for the said Company to serve for the ensuing year; but any failure to elect Directors at the time or times fixed by this Section shall not cause a forfeiture of this Act of Incorporation, but those in office shall continue therein until others are duly chosen. The Directors shall have power to choose from among their number a President and Secretary, and the five persons named in the first Section of this act shall be the Directors of the said Corporation until the first annual meeting in the year one thousand eight hundred and sixty-six.

SECTION 4. *And be it further enacted,* That the Capital Stock of the said Company shall be divided into shares of one hundred dollars each, and shall consist of one thousand shares, with the privilege of increasing the same to two thousand shares. And the persons holding the said stock shall be entitled to one vote for each share of stock held by them, and may vote either in person or by proxy.

SECTION 8. And be it further enacted, That nothing contained in this act shall be construed to confer upon the said Corporation any banking powers or privileges, or the right to hold any real estate beyond so much as may be deemed necessary to accommodate the business of the Company for wharves, store-houses, &c., or such as may be conveyed to the Corporation as security for or in payment of a debt.

Banking powers prohibited.

Real estate.

Passed at Dover, February 22, 1865.

CHAPTER 521.

An Act to Incorporate the Dover and Mahon River Steamboat Transportation and Freighting Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Doctor H. Ridgely, James L. Heverin, Thomas W. Wilson, Charles Brown, George Parris, Thomas Postles, Thomas H. Denney, John W. Cullen, Thomas B. Bradford, Daniel Cowgill of E., Henry Todd, George B. Dickson, Elias S. Reed, Jacob M. Hill and John C. Pennewill, of Kent County and State of Delaware, and all such persons as shall hereafter become Stockholders in said Corporation, and their successors and assigns, be and they are hereby created and declared to be a corporation and body politic for the purpose aforesaid, and with the power and authority to build or procure steamboats or steam vessels to run between said places, and to or from any port or ports, place or places, upon any of the waters emptying into the Delaware Bay or River, by the name, title and designation of the Dover and Mahon River Steamboat Transportation and Freighting Company, and by that name may have succession, may make and use a common seal, sue and be sued, plead and be impleaded in all Courts of Record and elsewhere, and shall have full power and authority to purchase, build, hold, occupy and convey such steamboats and real and personal estate, and to do all such other matters and things as may be necessary to carry into effect the object of said Corporation.

Company incorporated.

Powers.

SECTION 2. *And be it enacted as aforesaid, That the capital stock of said Corporation shall not exceed one hundred thousand dollars, which shall be divided into shares of ten dollars each, and shall be employed and invested in the purchase of steamboats or*

Capital stock.

For what
purpose
employed.

To be per-
sonal estate.

Shares held
by the pri-
vate com-
pany already
formed to be
converted
into stock.
Directors to
open books
for subscrip-
tions.

Company
considered
organized
from the
passage of
the act.

Stock—how
called in.

By-laws,
rules and
regulations.

Provide.

steam vessels with steam engines, boilers and machinery, and all their rigging, furniture, tackle and apparatus, and in the expense necessary thereto, from time to time, and in the purchase of real estate and construction of wharves, docks and landing places for the steamboats or steam vessels of said Corporation, and for such other purposes as may be necessary and convenient for steam navigation, and for the purpose of purchasing stages, wagons, horses, &c., for the conveyance of passengers and merchandise by land, and that the said capital [stock] shall be deemed personal estate and shall be assignable and transferable upon the books of said Corporation agreeably to the by-laws for that purpose to be adopted.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the shares now held in the private company already formed for the purpose of constructing a wharf and landing place, &c., at the said Mahon River, shall be converted into stock, and that the Board of Directors hereinafter named shall have power and authority to open books at such time or times and place or places as they or a majority of them shall think proper, giving at least ten days notice of the time and place of their meeting to receive subscriptions for said stock, until it shall amount in the aggregate to the sum of one hundred thousand dollars as aforesaid, if so much shall be necessary for the purpose of carrying into effect the object of said Corporation.

SECTION 4. *And be it further enacted by the authority aforesaid,* That the said Company shall be considered as fully organized from the passage of this act, and may proceed to elect their officers, and the Board of Directors shall and may call in the stock at such time and times as they may think proper or expedient, giving at least thirty days notice before such call or calls shall be made payable, by advertisements in at least one newspaper published in the State of Delaware, and not more than four dollars on each share shall be called for at any one time, and the said Corporation shall have power to make, ordain and establish such by-laws, rules and regulations for the said Company as to them shall seem expedient and not inconsistent with the Constitution and Laws of this State or of the United States. Such by-laws, rules and regulations as may be made, may be altered or revoked by the Stockholders and by a majority of votes at any general meeting, and the said Directors may make such additional rules and regulations as may from time to time be deemed necessary, to continue in force until altered or revoked by the Stockholders at any annual meeting. *Provided,* That the Directors shall not repeal, revoke or alter any by-law, rule or regulation ordained or established by the Stockholders, or make any rule or regulation conflicting therewith or with the Constitution and Laws of this State or the United States, and, *Provided,* also that all rules and regulations made by the Directors shall be open to the inspection of the Stockholders.

SECTION 5. *And be it further enacted by the authority aforesaid,* That a general meeting of the Stockholders shall be held in the Court House, in Dover, on the first Saturday of April next, and annually thereafter at such time and place as the by-laws shall direct. Ten days notice of the time and place of holding a general meeting shall be given in at least one newspaper published in the State of Delaware. Special meetings of the Stockholders may be called by the President and Directors, or by Stockholders who shall together be proprietors of not less than one-half of the capital stock subscribed and paid in, notice thereof being first given as herein provided in case of a general meeting. The affairs, property and concerns of said Corporation shall be under the control and management of seven Directors, to be chosen by the Stockholders annually by ballot, either in person or by proxy; and in the choice of Directors, and upon every other subject coming before the Stockholders, each share shall be entitled to one vote. *Provided,* That no letter or power of attorney for voting by proxy shall continue in force more than one year from its date. The first election for Directors after the granting of this charter shall be held at the general meeting in April next, and subsequent Directors shall be chosen annually at the general meetings of the Stockholders. At the election for Directors, the Stockholders shall choose two of their number to act as Judges. Should a vacancy at any time occur in the Board of Directors it may be supplied by the remaining Directors until the next election. And if an election of Directors shall not be made at the time pursuant to this act, the said Corporation shall not for that cause be deemed to be dissolved, but such election may be held any time thereafter upon notice as aforesaid, and the Directors for the time being shall continue in all cases to hold their office until new ones shall have been chosen in their stead.

Annual meeting of stockholders

Special meetings.

Affairs of the corporation to be managed by Directors.

Directors—how chosen.

Proxy.

First election of Directors.

Vacancy.

Failure to elect not to effect a dissolution.

Penalty for injuring wharf, &c., of Company.

SECTION 6. *And be it further enacted by the authority aforesaid,* That if any person or persons shall damage or injure in any way the wharf, or any other matter or thing constituting any part of the property of said Corporation, he, she, or they so offending shall be liable to indictment in the Court of General Sessions of the Peace and Gaol Delivery in Kent County, and on conviction thereof shall be sentenced to pay as restitution money to said Corporation twice the amount of damage so as aforesaid done, together with the costs of prosecution, and in default of payment of such restitution money and costs, the offender or offenders shall be committed to the common Gaol of the County until such restitution money and costs shall be paid.

SECTION 7. *And be it enacted by the authority aforesaid,* That Doct. Henry Ridgely, James L. Heverin, Thomas B. Bradford, Thomas W. Wilson, Charles Brown, Thomas H. Denney and Daniel Cowgill of Ezeziel, be and they are hereby declared to

Directors appointed.

Their powers and duties.

be the Directors of the said Company from the passage of this Act until the election as provided for in Section 5 of this Act. The Board of Directors for the time being shall have power to elect a President and Secretary from their number, and shall appoint a Treasurer and all such other officers and agents, and employ such workmen, artificers and laborers as shall be necessary to carry into effect all the powers of this act granted to the Corporation, and if they judge it necessary, may exact and take from their officers and agents bonds for the proper execution of their several duties and trusts and for the faithful performance of their several contracts.

Pre-ident.

SECTION 8. *And be it further enacted by the authority aforesaid,* That the President shall preside, when present, at all meetings of said Corporation, and if absent his place may be filled by one of the Directors. The Directors shall have power and authority to fix, determine and regulate the prices of transportation of passengers, goods, wares and merchandise, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be carried or transported by the said Corporation by their boats or otherwise. And the Board of Directors shall from time to time declare dividends of so much of the profits of the said Corporation as they may deem advisable.

Prices of transportation.

Dividends.

Neglect to pay installments.

SECTION 9. *And be it further enacted by the authority aforesaid,* That if any subscriber or subscribers to the capital stock of the said Company shall neglect or refuse to pay any installment on the number of shares which he, she, or they may have subscribed [for] or be holders of, for the space of thirty days after the time appointed for the payment thereof by the advertisement, as provided in the 4th Section of this Act, in such case the President and Directors may either declare such stock, or share, or shares forfeited, and sell and dispose of them for the use of the Company, or they may in the name of the said Corporation sue for the sum or sums so remaining unpaid, with costs and interest thereon, and such delinquents, during the time that any installments aforesaid shall remain due and unpaid, shall not be entitled to vote at any meeting of the Stockholders or receive any dividends on the stock standing to the credit of such delinquent shareholder or shareholders.

Banking powers prohibited.

SECTION 10. *And be it further enacted by the authority aforesaid,* That the said Company shall not use or employ any part of the funds or capital stock of said Company for banking, or other purposes not clearly indicated in this act, under a penalty of an immediate forfeiture of their charter, except that the Directors may loan at interest upon bond, mortgage, or other security, such funds as they may set apart for the purpose of a contingent fund.

SECTION 11. *And be it further enacted by the authority aforesaid,* That the President and Directors of said Corporation are hereby

authorized to borrow, from time to time, such sums of money as they or a majority of them shall deem for the best interest of said Company, and to pledge the faith of said Company for the payment thereof under the corporate seal of said Company, and the signature of the President, and countersigned by the Secretary of said Company, or in any other manner or way that they may deem most efficient or satisfactory in securing the payment of the sum or sums of money which they may from time to time deem it for the best interest of the Company to borrow. *Provided, however,* That before any money shall be borrowed under the provisions of this Section, the Stockholders shall be called together and a vote taken on the propriety of the measure contemplated, and their decision shall be final in the premises.

President
and Direc-
tors author-
ized to bor-
row money.

Provided.

SECTION 12. *And be it further enacted as aforesaid,* That this act shall be deemed and held to be an incorporation for internal improvements, and shall be a perpetual charter, subject nevertheless to be revoked by the legislature for abuse or misuse of its corporate franchise.

Incorporation for internal improvements.

SECTION 13. *And be it further enacted by the authority aforesaid,* That the purpose of the Company hereby incorporated is to run in connection with the "Dover and Mahon River Railroad Company," and to form a line for the transportation of passengers and freight from Dover to Philadelphia and intermediate points within this State and elsewhere, as shall be most conducive to the interests of said Company.

Union with the Dover and Mahon's River Railroad Company.

SECTION 14. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and held to be a public act, and shall be published as such in all future editions of the laws of this State.

Public act.

Passed at Dover, February 22, 1865.

CHAPTER 522.

An Act to Incorporate the Beaver Dam Ditch Company in Baltimore Hundred, Sussex County, Delaware.

WHEREAS under and by virtue of an order heretofore issued out of the Superior Court of the State of Delaware, in and for Sussex County, a certain ditch in Baltimore Hundred, County and State aforesaid, known as the Beaver Dam Ditch, has been laid out,

Preamble.

made and opened; and whereas it appears to be the interest of the taxables on said ditch that further provision should be made by this General Assembly for keeping the same cleansed and in repair; Therefore,

Incorporation.

Name.
Corporate powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring,) That Nathaniel Tunnell, John Bennett, Kendall Rickards, David Godwin, William D. Layton, Thomas E. Hall, Ann M. West, Charles D. Bennett, James H. Godwin, Sarah Derrickson, Jehu Bennett, John M. Taylor, Henry B. Murray, Isaac C. West, and all others who now are or hereafter may become taxables upon the said Beaver Dam Ditch herein mentioned, and their successors, be and the same are hereby declared to be incorporated for the purposes in this act mentioned, by the name, style and title of "The Beaver Dam Ditch Company," and shall have succession, and by the same name may sue and be sued, plead and be impleaded in all courts of law or equity in this State; and shall have all other powers incident to a corporation except banking powers.

Company to hold a meeting.
When and where.
Objects of.

Annual meetings.
When held and where.

Objects of.

SECTION 2. *Be it further enacted,* That the said taxables or corporators shall hold their first meeting on the first Saturday in May of the present year, A. D., 1865, at the store-house now occupied by Kendall Rickards, in Baltimore Hundred aforesaid, at which said meeting the said taxables or corporators shall elect by ballot, and by plurality of votes, two Managers and one Treasurer for said Corporation; said meeting shall be called by five days' written notice, signed by any four of said taxables or corporators, and posted in three or more of the most public places in the neighborhood of the lands drained or benefitted by said ditch; the said Managers and Treasurer so appointed shall serve for one year, and until their successors are duly elected and qualified. The annual stated meetings of said taxables or corporators shall be held at the place aforesaid, or in such other place in Baltimore Hundred as the said taxables or corporators shall have designated for that purpose by a resolution adopted at any previous meeting, on the first Saturday of May in each and every year thereafter, of which said annual stated meetings the Managers for the time being shall give notice in the same manner as is hereinbefore provided for calling the first meeting; and at which said annual meeting the said taxables or corporators shall choose by ballot, and by a plurality of votes, one Treasurer and two Managers, and may do and determine all such matters and things as the said taxables or corporators may deem necessary for effectually cleansing or repairing said ditch; and such annual meeting of the said taxables or corporators may be adjourned from time to time, and occasional or stated meetings may be from time to time called by the Managers for the time

being, the said Managers or Treasurers shall be required for the annual stated meetings; and if the Managers and Treasurer shall not all or any of them be chosen at the stated annual meeting in any year, or if any Manager or Treasurer shall die, resign, refuse or neglect to act, vacancies thus happening may be filled at an adjourned or occasional meeting, by ballot and plurality of votes, as aforesaid, and all the Managers and every Treasurer elected under this act shall continue in office until the annual meeting next succeeding their election, and until successors be duly chosen, except that if any Manager or Treasurer shall, after his election, remove from the neighborhood of such lands drained or benefitted by said ditch, the said Company may at any of its meetings declare the place of such Manager or Treasurer vacant and elect another in his place. And further, that said taxables or corporators, at any adjourned or occasional meetings, may do all such acts or things as may or might be done at a stated meeting; and at all meetings of the said taxables or corporators the taxables present shall be entitled to vote as each is liable to contribute, that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him or her.

meetings—
notice of.

Vacancies in
the offices of
Managers or
Treasurer—
how filled.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose by ballot, and by a plurality of votes, three substantial and disinterested freeholders of Sussex County aforesaid, (having no interest in any of the lands drained or benefitted by said ditch,) as Commissioners to make a valuation of the lands drained or benefitted by said ditch, and the said Commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion, or in the opinion of a majority of them, are drained or benefitted by the said ditch, and to ascertain all said owners of the said land drained or benefitted by the said ditch, and the quantity of such lands held by each owner, or by the joint or common owners, (if any be held undivided,) and to appraise all the said lands which, in their opinion, or in the opinion of a majority of them, are drained or benefitted by the said ditch, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisement; and if at the expiration of said period of ten years, the said taxables or corporators shall, by ballot and by a plurality of votes, at a stated annual meeting of said taxables or corporators, determine to make a new appraisement of said lands drained or benefitted by said ditch as a basis for all their subsequent assessments of taxes, they shall choose by ballot, and by a plurality of votes, three other like Commis-

Company
authorized
to choose
three Com-
missioners.

Powers and
duties of
commission-
ers.

Their ap-
praisement
to be a basis
of assess-
ment for ten
years.

New assess-
ment—how
had.

sioners, (having no interest in any of the aforesaid lands,) for the purpose of making such appraisement, who shall have all the power vested in and perform all the duties herein required of those first chosen under this act, and whose appraisement, when duly certified to a meeting of the said taxables or corporators, shall continue for ten years thereafter as a basis for all their subsequent taxation under this act, but if the said taxables or corporators shall otherwise determine at said meeting, the appraisement first made under this act shall continue as a basis of all the then subsequent taxation under this act.

Commissioners to call special meeting.

When and how.

Certificate of commissioners.

Estimate of expense.

Vacancies—how filled.

Commissioners to be sworn or affirmed.

Compensation.

SECTION 4. *And be it further enacted,* That the said Commissioners, or a majority of them, shall within thirty days from the day of their appointment call a special meeting of said taxables or corporators, by giving five days public notice in writing, posted as aforesaid, to which said meeting the said Commissioners or a majority of them, shall return a certificate, made under their hands or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner, or by joint owners, (if any be held undivided,) and the appraisement of the said several quantities or parcels of said lands by said Commissioners to be named as aforesaid; and the said Commissioners are hereby further authorized and required, after viewing the said Beaver Dam Ditch, to estimate the probable expense of cleansing and repairing the said Beaver Dam Ditch; and the said Commissioners, or a majority of them shall, within thirty days after their appointment, certify to the Managers for the time being the amount of such estimate. If any of the said Commissioners shall die, resign, remove from Sussex County, or refuse to act before all the said duties of the said Commissioners shall have been completed, then, and in that case, the said taxables or corporators may, at any annual, adjourned or occasional meeting, chose a Commissioner or Commissioners to fill the vacancy or vacancies, and each Commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed by some Judge of the State, or Justice of the Peace in and for Sussex County, to discharge the said duties faithfully and impartially, according to the best of his skill and judgment; and every Commissioner shall for each and every days service in and about the business of said Company under this act be entitled to receive of said Company the sum of one dollar and fifty cents.

Managers—their powers and duties.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money and for answering the purposes by this act intended, it shall and may be lawful for the Managers, for the time being, and they are hereby authorized and required, (after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the estimate of

probable expense shall be made and certified to them as aforesaid, to lay and assess upon the value of said lands drained or benefitted by said ditch mentioned in said certificate of the Commissioners, such sum of money as the said Commissioners, or a majority of them, shall have estimated as the probable expense as aforesaid, or such part of said sum as the said Managers may deem expedient to raise in the first instance, which said sum of money shall be apportioned among the several owners of the said land drained or benefitted by said ditch upon the basis of the appraisement so as aforesaid returned to said meeting by the said Commissioners; and for the raising of any further or other sums of money which may be necessary for cleansing, repairing and keeping in repair the said Beaver Dam Ditch, it shall and may be lawful for the Managers, for the time being, and they are hereby authorized and required to lay and assess upon the value of the said lands drained and benefitted by the said ditch, all such sum and sums of money as the said taxables and corporators at any of their meetings, from time to time determine and direct to be levied and raised; and all such sum or sums of money or taxes shall be apportioned in the same manner as is herein directed for the apportionment of the first tax to be levied and raised under this act. And the said Managers shall, from time to time, make out duplicate lists under their hands of all assessments and taxes by them levied and assessed as aforesaid, which lists shall also contain a minute of all changes of ownership (if any), by transfer or otherwise, of the said lands drained or benefitted by the said ditch, so far as the same is known to the said Managers, one of which said lists shall be delivered to the Treasurer for the time being, and the other shall be retained by the Managers, and shall be copied into the book where the records of the proceedings of the said Company are kept. The said lists shall be final and conclusive upon all parties, and the lists, from time to time delivered to the Treasurer as aforesaid, shall be a sufficient warrant to him, or his successor in office, for levying and collecting the sums of money or taxes in said lists mentioned. And furthermore, it shall be the duty of the Managers, and they are hereby authorized and required to cleanse and repair the said ditch, and to keep or cause to be kept the same open and in good repair, and generally the Managers shall carry into full effect all the lawful directions of the Company, which shall from time to time be given them in relation to their aforesaid trust, for which purpose the aforesaid Managers shall have power to employ such workmen and laborers as may be necessary for repairing and keeping in repair the said ditch, and all hire, wages and expenses in and about the said work shall be paid by orders drawn by the Managers on the Treasurer. Every order shall specify the service, wages or expense for which it is drawn, and exact and true account shall be kept by the Managers of all orders so drawn, and said account shall

be laid before the annual or other meetings of the said taxables or corporators as the said taxables or corporators may direct. Any person assessed for a tax upon said ditch may discharge the same by work done in and about said ditch by the direction of the Managers, and their certificate shall be received by the Treasurer in payment of their tax. And every Manager shall. for each and every day's service, in and about the business of said Company under this act, be entitled to receive of said Company the sum of one dollar.

Compensation.

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Managers to appoint the time for the payment of taxes.

SECTION 6. *And be it further enacted*, That the Managers laying the taxes shall appoint the time for the payment of them, and it shall be the duty of the owners respectively to pay to the Treasurer the taxes which (according to the list to be delivered to the Treasurer from time to time, aforesaid) they shall be liable to pay at the time or times appointed by the Managers for such payments, as aforesaid.

Treasurer to give bond.

SECTION 7. *And be it further enacted*, That the Treasurer for the time being, and every Treasurer for the time being, shall, before he enters upon the duties of his office, give bond, with security to be approved by the Managers, to the said taxables or corporators by their name aforesaid, in the penalty of double the amount of taxes assessed and to be collected, upon condition to be void if the said Treasurer shall pay all orders drawn upon him by the Managers, for the time being, as far as he shall have funds of the Company for that purpose, and shall well and truly account for all moneys which shall come to his hands as such Treasurer at any annual meeting of the Company, or otherwise, as the Company may direct, and shall pay any balance or sum that shall be due from him, in such account, to his successor in office, or otherwise as the Company may direct, and shall perform all the duties of said office, as Treasurer, with fidelity; and every Treasurer, for the time being, shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former Treasurer, as the Treasurer had to whom the list was originally delivered.

His powers and duties.

The Treasurer to receive tax.

SECTION 8. *And be it further enacted*, That the Treasurer for the time being, and every Treasurer for the time being, shall have full power and authority to demand and receive, levy and make all and every the taxes which shall be laid and assessed pursuant to this act, by the Managers, according to the certificate or the lists which shall be delivered to such Treasurer; and in case any tax or taxes so laid or assessed, or any part thereof, shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the Treasurer for the time being, and every Treasurer for the time being, may and shall proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of County, Road and Poor

Neglect to pay tax. How to recover the same.

taxes, except that the said Treasurer shall advertise at least thirty days before the day of sale, and every Treasurer shall be allowed a commission of five per centum on all moneys by him collected.

SECTION 9. *And be it further enacted,* That every person holding any ground adjacent to said ditch, and ratable and liable to be assessed under this act, shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the Company's ditch at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper. *Provided, nevertheless,* That if the said ditches or drains from such adjacent ground shall run through the lands of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders, to be appointed by the Managers for the time being, and the place or places so fixed and determined by said freeholders shall be certified by them under their hands to the Managers for the time being, and the certificate entered upon the books of the Company.

Who may cut other ditches into the Company's ditch.

Proviso.

SECTION 10. *And be it further enacted,* That if any person shall wilfully fill up, or in any manner obstruct or injure the said ditch, or shall stop, obstruct or impede the course of the water running therein, every person so offending shall pay to the said The Beaver Dam Ditch Company the sum of thirty dollars, and also the damages sustained by said Company by reason of such filling up, obstructing, stopping or impeding, to be recovered before any Justice of the Peace in and for Sussex County aforesaid, in the same manner, and by the same proceedings, as debts under one hundred dollars are by law recoverable, and the jurisdiction necessary for such recovery is hereby expressly given to all and every the Justices of the Peace in said County.

Penalty for injury to ditch of the Company.

SECTION 11. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and that the power of revoking or repealing this act is hereby reserved to the Legislature.

Public act.

Revocation.

Passed at Dover, February 23, 1865.

CHAPTER 523.

An Act to enable the owners of the Marsh Meadow, near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expenses thereof.

Vol. 9, 282. WHEREAS an act was passed by the General Assembly of this State, on the nineteenth day of February, eighteen hundred and thirty nine, reviving an act passed in the eighth year of the reign of King George the Third, authorizing the owners of the Marsh Meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and raise funds to pay the expenses thereof, the said marsh being described in the act aforesaid, as follows: Situate on the north side of the Christiana River, near Newport, in Christiana Hundred, in the County of New Castle, beginning at the fast land belonging to the heirs of Robert Richardson, deceased, on the north side of the river aforesaid, then running up the said river on its several courses to the fast land of Justa Walraven, near the fishing landing, below Newport aforesaid, containing two hundred and forty-five acres or thereabouts. Whereas the said act has expired by limitation, and the owners of the marsh aforesaid desire authority differing somewhat from that conferred by the original acts, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring,)

Name. SECTION 1. That the owners of the said marsh shall henceforth be called and named "Conrad's Company," and that they, or as many of them as shall think fit, shall and may meet on the first Monday in March, yearly hereafter, at the house of John Moore, in Newport aforesaid, or at some other more convenient place to be appointed by the Managers of the said Company hereafter to be chosen, and by a majority of votes, by way of ballot, choose each year out of the owners of the said marsh two fit persons to be Managers and one fit person to be Treasurer for the said Company for the ensuing year, of which meeting the Managers for the time being shall give ten days notice by advertisement. *Provided*, That the first election under this act shall not be held before the first day of March, eighteen hundred and sixty-six, and that no owner in arrears for dues shall vote at any election.

Annual meeting of the owners.

For what purpose held.

Proviso.

Manager who refuses or neglects to perform duties to pay \$15.00. SECTION 2. That if any person, elected Manager as aforesaid, after due notice of his election, shall refuse or neglect to perform the duties required of him by this act, he shall forfeit and pay to the Treasurer the sum of fifteen dollars, to be collected and used as other moneys payable to the said Treasurer, and the other

Manager, with the Treasurer, shall choose another Manager to supply his place until next election. *Provided*, No person shall be compelled to serve as Manager for more than two years in succession, and if any person hereafter elected Treasurer shall refuse or neglect to act as such, or to give the securities hereby required, or shall misbehave, or become incapable, the Managers for the time being shall choose another fit person, not a Manager, to be Treasurer till the next ensuing election.

Manager not to serve more than two years
If the Treasurer refuses to act, &c., Managers may choose another.

SECTION 3. That William R. Flinn, hereby appointed Treasurer of the said Company for the year ending the first Monday in March, 1866, and every Treasurer hereafter chosen, shall, before entering upon his duties, give bond with sufficient security in a penal sum double the value that may probably come into his hands during his continuance in office, as nearly as the same can be estimated by the Managers of the said Company, conditioned that he will once in three months, or oftener if required, render his accounts to the said Managers, and well and truly account and settle with them, if required, for and concerning all moneys that are now or shall come into his hands by virtue of this act, or belonging to the owners of said marsh, and pay any balance that may be in his hands to such persons and for such purposes as the Managers for the time being shall order in writing and not otherwise, and at the expiration of his office well and truly deliver up and pay the balance of money then in his hands, together with the books of accounts, and all other papers and writings in his possession belonging to the said Company, unto his successor in the said office, and that he will well and faithfully do and execute all other things as such Treasurer according to the true sense and meaning of this act.

W. R. Flinn appointed Treasurer shall give bond
Condition of said bond.

SECTION 4. James K. Lynam and George W. Grubb, hereby appointed Managers of the said Company for the year ending the first Monday in March, 1866, and the Managers of the said Company hereafter to be chosen under this act, are hereby empowered, authorized and required, together with workmen, horses, carts, barrows, and tools such as they shall think fit to enter into and upon the said lands and premises, as soon as may be convenient after the publication of this act, and then and there to dig and carry earth and mud, or purchase suitable materials to make up and amend and cause to be put up in good substantial repair, the banks, dams, sluices and flood-gates across the whole front of the said tract of marsh meadow sufficiently strong and secure to defend the same from inundations, having due regard to such places as are most exposed to hard gales of wind and high surf, for which purpose the said banks shall always be kept at least six inches above all tides and of a proportionable breadth. And the Managers for the time being in every year are hereby further empowered to enter upon and inspect, at least eight times in each

James K. Lynam and George W. Grubb appointed Managers
Their powers and duties

Provided.

year, the condition of all the said banks, dams, sluices, flood-gates, and all and every other conveniences which they shall or may make from time to time for stopping out the tide or draining off the waters from the marsh meadow, and shall cause the same to be kept in like good order as aforesaid. *Provided*, That if any owner or owners of the said meadow shall think him, her or themselves aggrieved by the digging and carrying the earth or mud for the purposes aforesaid from his land on the inside of the banks or by the canals or drains directed or caused to be made through his lands by the Managers for conveying the water out of the large creeks within the banks or the marsh aforesaid to any of the flood-gates and sluices already made or hereafter to be made as aforesaid, such owner or owners shall choose two fit and disinterested persons, and the said Managers shall choose two other such persons who, or a majority of them so chosen as aforesaid, shall finally settle and adjust the damages such owner or owners may have sustained, to be paid by the said Managers by their order on the Treasurer.

Immediate demands of of said Company. How provided for.

Annual sums to be paid to the Treasurer by owners of said marsh. Accidents provided for.

Treasurer to keep a distinct account.

Assessment.

SECTION 5. That every owner or possessor of the said marsh shall, within twenty days after the publication of this act, pay or cause to be paid into the hands of the Treasurer of the Company the sum of three dollars for each and every acre held in the marsh aforesaid, to be expended for immediate and pressing demands, and also, shall pay or cause to be paid into the hands of the said Treasurer, on the tenth day of April in each year hereafter, such sum or sums for every acre so held, and also on such other days and times in any year, in which any extraordinary accidents shall happen to the said banks, dams and sluices, such further sum or sums of money as the Managers for the time being shall find necessary to assess and order, so as that a balance of fifty dollars shall in the beginning of every year be in the Treasurer's hands ready to be applied in the premises as occasion may require. Of all the moneys thus, and in any other manner under this act coming into the hands of the said Treasurer, and of all disbursements and payments thereof, he shall, in books to be provided for that purpose, keep true and distinct accounts and shall pay the same according to the orders of the said Managers.

SECTION 6. The Managers aforesaid shall cause a true list of every assessment made under this act to be furnished to the Treasurer so that he may give at least twenty days public notice of the same before the day of payment; the said assessment list and notice shall contain the names of the owners and possessors, the number of acres each one holds, and the rate of assessment per acre, and the Treasurer shall collect the sums so assessed and which shall not have been paid at the expiration of the twenty days notice in the manner the Managers shall direct, first adding

to the assessment of the delinquent owner or possessor ten per centum, which shall be collected as if a part of the original assessment.

SECTION 7. If any owner or possessor shall refuse or neglect to pay any sum of money duly assessed as aforesaid for thirty days after the same shall become due and payable, the Treasurer may, under the direction of the Managers, bring suit for the same in his own name, before any Justice of the Peace of the County aforesaid, where the sum demanded shall not exceed one hundred dollars, and if above that sum, in the Superior Court of the State of Delaware in any County; the said Justice of the Peace and the said Court are hereby empowered and directed to give judgment according to the right of the matter, and grant execution for the same, with costs of suit, or the said Treasurer shall and may in his own name apply to some Justice of the Peace of the County for his warrant of distress for levying the sum of money so neglected or refused to be paid, directed to any Constable of the County aforesaid, which said warrant the said Justice of the Peace is hereby empowered and directed to grant accordingly, to be by the Constables levied on the tract or piece of marsh belonging to such owner so neglecting or refusing, and deliver the same unto the said Treasurer, who is hereby authorized to sell or rent the same, or any part thereof, for so long a time until the rent arising therefrom shall, as nearly as may be computed, pay all such sum or sums of money so assessed, together with costs and forfeitures arising thereon for such neglect or refusal to pay the same as aforesaid, and for no longer time. *Provided always,* That public notice shall be given of the sale or leasing of the said land, and that the same shall be at public sale to the highest bidder.

How the Treasurer may proceed when the owners fail to pay the sum assessed.

Provido.

SECTION 8. The Managers of the said Company shall have the power to dispose of all money paid to the Treasurer under this act; to appoint persons to enter upon, inspect and report upon the condition of the said marsh, and to remove such persons and appoint others whenever they shall think fit; to offer and pay rewards for the destruction of vermin injurious to said banks, to settle accounts with the Treasurer, and to do and perform all other matters and things pertaining to the general good and benefit of the owner. *Provided, nevertheless,* That if any owner shall consider himself aggrieved by any proceeding of the said Managers he may have the same finally settled by four disinterested persons chosen as is provided in Section 4 of this act.

Powers and duties of the Managers.

Provido.

SECTION 9. The order of any one Manager shall be sufficient authority to the Treasurer for the payment of money and delivery of effects committed to his care by virtue of this act. The Treasurer shall take all bonds, mortgages and written personal contracts, the property of said Company, in his name, payable to

Orders by any one Manager sufficient. Bonds, mortgages &c., of the Company.

In whose
name to be
taken.

him and his successors, distinctly stating in such writings that they are for the use of the said Company, and any successor may, without assignment, bring suit and recover upon such writings in any Court of the State where the same are cognizable, and give receipts and discharges for the same, and also prosecute to final judgment and execution any suit commenced by his predecessor in said office, and receipt for and discharge the same in every manner whatsoever.

Treasurer to
collect all
monies due
to the Com-
pany.
Compensa-
tion.

SECTION 10. The said Treasurer shall collect and receive, sue for and recover, all monies at any time due to the said Company from owners and others, and shall for all services rendered under this act be allowed and paid six per cent. on all the money by him collected, and the Managers shall receive for their services three per cent. on all moneys by them expended under the provisions of this act; these commissions in all cases to be paid at the end of each year of service.

How the
waters from
the lands
may be dis-
charged.

SECTION 11. For the purpose of keeping open the drains of said marsh, every owner thereof may discharge the waters of his land through the land of any other in such manner as the Managers shall deem best suited to discharge the same into the Christiana River, and may open and clean such drains at all suitable times as often as the Managers shall think necessary. *Provided always,* That each owner through whose land any drain may run, shall pay such proportion of the expense of the same as is equal to the benefit accruing to his land, to be ascertained by the Managers, and if he shall deem himself injured by the judgment of the Managers in the premises, or by the passage of such drain through his land, his complaint shall be finally settled by indifferent persons, one to be chosen by himself, another by the owner requiring such drain, and the two thus chosen to select a third if they cannot agree, the award of any two of whom shall be conclusive.

Expenses—
how provi-
ded for.

Drains how
kept open.

SECTION 12. That all drains made or hereafter to be made dividing the grounds of the respective owners of the said marsh shall be opened, scoured and cleared by an equal share of labor and expense of each owner or possessor along whose land such division drains shall pass, and it shall be lawful for the Managers of the said marsh, and they are hereby required at all seasonable times hereafter, upon the application of the said owners or possessors, to view and judge of the sufficiency of the drains, whether division or other drains within, the said marsh to be fenced, and where and when they shall judge such drains to be sufficient for that purpose; they shall give notice thereof in writing to the owners or possessors, and if any of the owners or possessors, after notice as aforesaid, shall neglect or refuse to make, amend, scour or repair their or any of their parts of divisions or other drains respectively, according to such direc-

tions, it shall and may be lawful for the said Managers to order any workmen to open, amend, scour or make the same, and they shall settle and adjust the price thereof, and charge the owners or possessors, so neglecting or refusing, with their respective parts, and to order the Treasurer for the time being to make demand thereof, and if, within ten days after such demand, any of them, so charged as aforesaid, shall not pay the same to them charged for said repairs so done, it shall and may be lawful for the Treasurer aforesaid for the time being to recover the same in the manner that any dues are recoverable by this act, any law, usage or custom to the contrary notwithstanding.

SECTION 13. If any of the said owners or possessors, their workmen or servants, shall cast any bush, weeds, or any other rubbish into the drains or canals leading to the banks and sluices of the marsh aforesaid, and shall not, immediately upon request remove the same, such owner or possessor so offending, by himself, his workmen, or servants, shall, for every such offence, forfeit and pay a sum not exceeding five nor less than one dollar, to be recovered in the name of the Treasurer aforesaid, before any Justice of the Peace of New Castle County, by the oath of one or more creditable witness or witnesses, or by the confession of the party offending, in like manner as debts under one hundred dollars are recoverable by the laws of this State. The said Managers are hereby required to meet at least once in two months on the said marsh, and there or elsewhere to confer and conclude concerning the matters hereby committed to them, and shall cause minutes of their proceedings to be kept in a book provided for the purpose, to which minutes, and the Treasurer's accounts, all persons concerned shall have free access at all seasonable times.

SECTION 14. That if any person or persons shall wickedly or maliciously let through, or break down or damage any of the said banks, dams, sluices or flood-gates, or shall let in any creek or water to any injury, or overflowing parts of the tract of the marsh aforesaid, and shall thereof be convicted before the Judges of the Court of General Sessions of the Peace and Jail Delivery of the said County of New Castle, in all such cases the person so offending shall be fined treble the value of the damages, to be assessed by two or more disinterested persons to be appointed by the said Court to value the same, which sum shall be added to the common fund of the Company.

SECTION 15. The Company hereby created may, at any annual or special meeting, authorize the Treasurer to pay all the debts contracted by the acting Managers for work done upon the banks, ditches and drains of the Company since the first day of January, A. D. 1859, and which have not been paid, and may authorize a special assessment of such rate per acre as shall be necessary for

Penalty for
injury to the
drains of the
Company.

Penalty for
injury to the
banks, dams
&c. of the
Company.

Company
may authorize
the Treasurer
to pay
existing
debts.

that purpose, which shall be collected in the same manner as other assessments made under this act. All the property, rights, credits and interests whatsoever of or belonging to the Company incorporated by the act, February 19, 1839, are hereby vested in this Company.

Public act. SECTION 16. This act shall be deemed and taken to be a public act, and the power of revocation is hereby reserved to the Legislature.

Passed at Dover, February 23. 1865.

CHAPTER 524.

An Act to Incorporate the Brandywine Hundred Mutual Horse Company for the Recovery of Stolen Horses.

Preamble WHEREAS a number of persons have formed themselves into a company for the purpose of recovering stolen horses and insuring the owners thereof, and said persons are desirous of becoming incorporated, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch concurring therein,)

Incorporation. SECTION 1. That Lot Cloud, George W. Lodge, Edward Wilson, William G. Valentine, William H. Casey, George Thompson, and Walter Pierce, and such other persons as now constitute "The Brandywine Hundred Mutual Horse Company," or who shall hereafter become members of the same, are hereby declared to be a body politic and corporate by the name, style and title of Name. "The Brandywine Hundred Mutual Horse Company," to have succession, to plead and be impleaded, to sue and be sued in all Corporate powers. courts of record, and be capable to take, hold and enjoy tenements, hereditaments, goods and chattels, and the same from time to time to sell, grant, devise, alien and dispose of, to use a common seal and to alter and revise the same at pleasure. *Provided*, That the clear value of estate held by them shall at no time exceed the sum of three thousand dollars.

Election of officers. SECTION 2. The officers of this Corporation shall be such as the Corporation shall deem necessary, who shall be elected annually or otherwise, as the rules and by-laws of the Corporation may direct.

SECTION 3. This Corporation, when convened by due notice given to the members, shall have power and authority to make, ordain and establish such rules, by-laws and ordinances relating to the concerns of the Company as they may deem necessary and proper. *Provided*, That no rule, by-law, or ordinance shall be inconsistent with the Constitution and Laws of this State or of the United States.

Power of
members to
make rules.

SECTION 4. The present officers shall continue in their respective offices until others are duly elected.

Term of
office.

SECTION 5. That this act shall be deemed and taken to be a public act.

SECTION 6. That the power of revoking or repealing this act is hereby reserved to the Legislature.

Revocation.

Passed at Dover, February 24, 1865.

CHAPTER 525.

An Act to Change the Location of a Certain Public Road in Saint George's Hundred, New Castle County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That Joshua B. Fenimore, Benjamin Gibbs, Robert A. Cochran, Jonathan K. Williams and Jesse Higgins be and they are hereby appointed Commissioners to go upon and view the road leading from Higgin's Conner in the said Hundred to the Town of Port Penn, and if the said Commissioners, or a majority of them, after having viewed the said road as above directed, shall be of the opinion that the course of said road can be changed so as to cross St. Augustine Creek at a point further from its mouth than it now crosses the said creek, without detriment to the citizens of that vicinity or the public generally, they shall have power to locate the said road accordingly. *Provided always*, That the initial point of said new road shall be on the south side of St. Augustine Creek aforesaid, between the Delaware River and Higgin's Corner on the road leading to McDonough, or on the road running north from Higgin's Corner, and that the terminus of said new road shall be at some point of the old road south of Port Penn and north of said creek, or in the road leading from Port Penn to Boyd's Corner, as near to the said Town of Port

Commis-
sioners.

Duty.

Return to be made to Court of General Sessions of New Castle County. Penn as circumstances will permit. The said Commissioners shall make return of their proceedings to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County, at its session next after the location of said new road.

Surveyor SECTION 2. *And be it further enacted*, That if the Commissioners, or a majority of them, shall deem it necessary, they shall have power to call to their aid a skillful surveyor to run out and locate said road.

Commissioners and Surveyor to be sworn or affirmed SECTION 3. *And be it further enacted*, That the said Commissioners and Surveyor, before entering upon the duties enjoined upon them by the provisions of this act, shall take and subscribe an oath or affirmation to perform their duty respectively with fidelity, which oath or affirmation may be administered by the said Commissioners, or by any person who is authorized by the laws of this State to administer an oath or affirmation.

Compensation to Commissioners and Surveyor. SECTION 4. *And be it further enacted*, That each of the Commissioners shall have for each and every days attendance under the provisions of this act the sum of two dollars, and the Surveyor shall have such sum as may be agreed upon by the said Commissioners, all of which shall be paid by the Levy Court of New Castle County upon the acceptance by the said Levy Court of the aforesaid return.

Act of February 4th, 1864, repealed. SECTION 5. *And be it further enacted*, That the act entitled, "An act to change the location of a certain public road in St. George's Hundred, New Castle County, passed at Dover, February 4. A. D. 1864, is hereby repealed, made null and void.

Passed at Dover, February 28, 1865.

CHAPTER 526.

An Act to Incorporate the Diamond State Iron Company.

Company to manufacture iron established. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, (with the concurrence of two-thirds of each branch of the Legislature,) That a Company shall be established for the purpose of carrying on the manufacture of iron, and articles made from iron, in the City of Wilmington, New Castle County, the capital stock of said Company not to exceed three hundred thousand dollars (\$300,000) divided into shares of one hundred dollars each.

Capital stock.

SECTION 2. *And be it further enacted,* That Delaplain McDaniel, John H. Adams and Henry Mendenhall be and are hereby appointed Commissioners to receive subscriptions to the said capital stock and to open a book or books for the purpose at such times, at such places, and under such regulations as they or a majority of them shall deem proper.

SECTION 3. *And be it further enacted,* That the subscribers to the capital stock aforesaid, their successors and assigns, shall be, and they are hereby created and declared to be a corporation and body politic by the name of the "Diamond State Iron Company," and by that name shall have continuance, and may make and have a common seal, and shall be able to sue and be sued, plead and be impleaded in courts of law and equity.

SECTION 4. *And be it further enacted,* That the business and concerns of the said Corporation shall be managed by not less than three or more than nine Directors. The Directors shall be elected by the Stockholders, from among their number, and whenever a Director ceases to be Stockholder his office shall be vacated. They shall choose one of their number to be President; they shall meet according to the by-laws of the Corporation; any three of them shall form a quorum competent to transact business, and if the President shall be absent, a President may be appointed *pro tem*. Whenever a vacancy in the office of Directors shall happen from any cause, the remaining Directors shall, by a majority of the board, choose a Director to fill such vacancy. The Directors shall have power to purchase such lands and premises, and erect such buildings, and procure such engines and machinery as they shall from time to time deem requisite to carry on the manufactures and business mentioned in the first section of this act, and to employ workmen and laborers, and to agree upon, and pay their wages, to purchase materials and make sales, and employ agents and factors, and do and perform all such acts, and use the capital and funds of said Company in such manner as may be requisite to carry into effect the purposes for which the Company is established and secure its interests. The Directors shall make by-laws for the government of said Company, and the regulating and management of the business and concerns of the Company, and may repeal, modify and amend them at pleasure. There shall be an annual meeting of the Stockholders on the second Monday of July, in each and every year during the continuance of the Corporation. An election of Directors shall be held at the annual meeting before mentioned in each and every year. If said meeting shall not take place on the day appointed, the Corporation shall not for that reason be dissolved, but the Directors then in office shall continue to perform all their duties, and shall retain all their powers until such annual meeting shall take place. Occasional meetings

Commissioners appointed to receive subscriptions.

Incorporation.

Name.

Corporate powers.

Directors.

Their election.

President.

Vacancies.

Powers and duties of the Directors.

Annual meeting of the Stockholders. When held and for what purpose.

Occasional meetings.

Election of Directors to be by ballot.

Voters.

Shares to be personal property.

Dividends.

of the Stockholders may be called in a manner to be prescribed by the by-laws. In all meetings of the Stockholders regularly held, those assembled may proceed to business. All elections of Directors shall be by ballot, and shall be decided by a plurality of votes given, and all other questions shall be determined by a majority of the votes given. The Stockholders respectively shall be entitled to as many votes as they shall respectively hold shares, one vote for every share. *Provided always*, No one Stockholder shall be entitled to vote more than two-fifths of the entire amount of stock subscribed for; and the Stockholders respectively who may be absent from such meetings shall be entitled to vote by proxy in all elections, and on every subject and question which can come before the meetings. The shares of the capital stock aforesaid shall be personal property, and shall be assignable, subject to the regulations of the by-laws. The Directors shall from time to time make dividends of the clear profits of the business of the Corporation, or such part thereof as may be deemed advisable.

Commissioners to give notice of the stock subscribed. When.

Subscribers to hold meeting.

SECTION 5. *And be it further enacted*, That in ten days after the books aforesaid shall be opened, if sixty thousand dollars of the said capital stock shall then be subscribed, or as soon thereafter as the said sum of sixty thousand dollars of said capital stock shall be subscribed, the Commissioners aforesaid, or a majority of them, shall give notice thereof in such manner as they may deem advisable; and the said subscribers, after such notice, may, on the second Monday of July, A. D. one thousand eight hundred and sixty-five, or any other day after such notice which may be designated by the Commissioners, hold a meeting and proceed to elect Directors, who shall serve until the second Monday in July next following the day of their election, or until their successors be duly elected.

At the first meeting the subscribers shall designate the amount to be paid in, on the shares subscribed for. Residue of amount subscribed, how paid.

SECTION 6. *And be it further enacted*, That on the day of the first meeting of the subscribers to be held as aforesaid, the subscribers shall designate the amount of the first payment to be made to the Directors, who shall then be chosen, upon each and every share which they respectively have subscribed to the capital stock aforesaid, and also fix upon the time and manner of said payment. The residue of said amount so subscribed for to be paid in such manner, in such installments, and at such time as the President and Directors may appoint. And the President and Directors shall give ten days notice of the manner and time which they shall appoint for the payment of the remaining installments of said capital stock.

Neglect to pay installments.

SECTION 7. *And be it further enacted*, That if the payment be made to the Directors designated by the subscribers at their first meeting as aforesaid, or if any of the installments which may be called for as aforesaid by the President and Directors, shall not

be paid within sixty days next after the time in said call appointed for the payment thereof, the said President and Directors may either declare such share or shares forfeited, in which case they may be disposed of at the pleasure of the Corporation, or they may, in the name of the Corporation, sue for and recover the sum so as aforesaid payable at the first meeting of the subscribers, and also the installment or installments, or part or parts so called; and no Stockholder who shall refuse or neglect to comply with any call so made as aforesaid, during the time of said refusal or neglect, shall be entitled to vote at any meeting or receive any dividend. And it shall and may be lawful for the President and Directors, and they shall have full power and authority to dispose of all the shares of the capital stock aforesaid, which shall not be subscribed for in the books to be opened by the Commissioners aforesaid, and all the shares which may be forfeited as aforesaid for the interest of the institution, in such manner as they may deem advisable. And the person or persons who shall become proprietors of such shares shall be members of the Corporation as fully and effectually as the original subscribers, entitled to the same privileges and subject to the same liabilities and restrictions.

SECTION 8. *And be it further enacted*, That this act be and the same is hereby declared to be a public act, and the same shall continue in force for the period of twenty years from the time of passing this act, unless the same, for sufficient cause, shall be sooner revoked by the Legislature.

Public act.
Succession
for twenty
years, if not
sooner re-
voked.

Passed at Dover, March 7, 1865.

CHAPTER 527.

An Act to establish "The Red Clay Creek Church Cemetery, of Mill Creek Hundred."

WHEREAS Aquilla Derrickson, George Klair, Lewis McIlwee, John R. Crossan, B. F. Gebhart, Swithen Chandler, M. D., and Samuel Graves, Trustees of Red Clay Creek Church aforesaid, have, for the accommodation of the neighborhood, purchased a certain lot or tract of land containing two acres, more or less, and adjoining the property of said Church in said Mill Creek Hundred, are preparing the same as a public Cemetery, and have

Preamble.

desired that they and their successors, as Directors or proprietors, may be incorporated for managing the affairs thereof, with such powers as are necessary for that purpose; And WHEREAS it seems reasonable and necessary to provide for the permanence of the establishment, so that those who buy there may be assured of continued protection to the remains of their relatives and friends, who have been committed to the earth, and the decent preservation of the ground, Therefore,

Company
incorpora-
ted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch concurring therein,) That the said Aquilla Derrickson, George Klair, Lewis McIlwee, John R. Crossan, B. F. Gebhart, Swithen Chandler, M. D., and Samuel Graves, and the other proprietors of burial lots in the aforementioned Cemetery, be and they are hereby constituted a Corporation by the name of "The Red Clay Creek Church Cemetery Company of Mill Creek Hundred," with capacity and power to take and hold by contract, devise, bequest, gift, assignment, or purchase, lands, goods and property; to alien, transfer, use and dispose of the same; sue and be sued, have a common seal, make by-laws, and with all the other franchises incident to a corporation, subject to the following restrictions, to wit: The said Corporation shall not have or exercise any banking powers, nor hold property, real and personal, of a greater amount than ten thousand dollars over and above the land aforesaid, and such other land as may be added to the said Cemetery, and the buildings, fences, fixtures, and burial lots in and belonging to the same.

Name.

Powers.

Banking
powers pro-
hibited.
Capital not
to exceed
\$10,000.

Corporation
perpetuated.

Right to
purchase
lands.

Proviso.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said Corporation shall be perpetuated by the transmission or transfer of burial lots, and be capable in law, when a majority of the Directors shall deem it conducive to the interests or convenience of the association, to purchase adjoining lands for the enlargement of the Cemetery; such addition or additions to be made under the provisions of this act. *Provided,* That it shall not be lawful for the said Corporation to acquire by purchase, or otherwise, more land, beyond the quantity of two acres specified in the preamble to this act, than shall be actually necessary for burial purposes.

Grounds of
cemetery
exempt from
taxation.
Estate of
proprietors.
Not to be taken in execution, nor aliened without approval of Directors.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the grounds and properties of the said Cemetery shall hereafter be exempted from taxation, and the estate of the proprietors respectively, in their respective lots, shall be of qualified inheritance, that is to say: the same shall descend as real estate to heirs, but it shall not be levied on nor taken by execution nor any process of law or equity, and it shall not be aliened or devised, so as to vest any right in the alienee or devisee, without the approval of the Board of Directors; and the said lots shall be

held subject to the constitution, by-laws and regulations of the said Corporation. *Provided*, That the said exemption from attachment, execution, &c., shall not extend to more than the lot or lots designed or actually used for family sepulture. Provioso.

SECTION 4. *And be it further enacted by the authority aforesaid*, That no street, road, lane or walk shall be opened, made or laid out through or upon the land aforesaid, or any adjoining land of said Company which may be added to the said Cemetery, except by and with the consent of the Corporation, and all the regulations and the entire management of the Cemetery shall be under the exclusive control of the Directors thereof. Streets lanes or walks not to be opened

SECTION 5. *And be it further enacted by the authority aforesaid*, That the Directors aforesaid may contract debts upon their own responsibility for the benefit of the Cemetery, and in order to enable the Directors to pay the debts already contracted by them, or which may hereafter be contracted, or to reimburse to them any money which they or either of them may advance in payment of such debts, or otherwise for the use of the Cemetery, they shall have a claim or lien upon the proceeds of the sales of burying lots in the Cemetery, and such proceeds shall be applied to the payment of such debts, or the reimbursement of such advances so as fully to indemnify the Directors, in the premises. And if a Director be removed from office, this lien or claim shall be valid to him, his heirs, executors and administrators. Directors may contract on their own responsibility for benefit of the cemetery.
How reimbursed.

SECTION 6. *And be it further enacted by the authority aforesaid*, That certificates of burial lots, according to the form prescribed by the Board of Directors, signed by the President and attested by the Secretary, shall be a valid and sufficient title. The records and record books of the corporation, kept by the Secretary, under the constitution, shall be competent evidence in any court of law or equity, and copies of said records, and all entries in said books, certified by the Secretary, shall also be competent evidence in such courts. Certificates of burial lots.
Record books to be evidence.

SECTION 7. *And be it further enacted by the authority aforesaid*, That any person who shall wilfully do any injury to said Cemetery, or the buildings, fences, or fixtures thereof, or the monuments or trees therein, or the shrubbery, or commit any trespass on said land, shall pay to the Corporation, for every such injury or trespass, the sum of two dollars; and for wilfully doing the same injury, or any injury of the like kind, or committing a like trespass a second time, the sum of three dollars; and for wilfully doing an injury of the like kind, or committing a like trespass a third time, the sum of six dollars; or, in every such case, the Corporation may elect to proceed for damages, and, in that case, shall recover treble damages. And if any person shall place any matter in the Cemetery, in contravention of the regulations of the Board of Directors or of the Constitution, and shall not re- Penalties for injuries to said cemetery or the buildings, monuments or fixtures thereof.

Justices of
the Peace for
New Castle
County to
have juris-
diction of
causes under
this Section.

move the same, upon request, and pay all damages, he shall be deemed a trespasser *ab initio*. The Justices of the Peace for New Castle County shall severally have jurisdiction of all injuries, trespasses and causes of action arising under this Section, if the damages do not exceed one hundred dollars. In every case of recovery double costs shall be awarded to the plaintiff.

Public act.

SECTION 8. *And be it further enacted by the authority aforesaid* That this is an incorporation for public improvement, and shall be considered a public act, but with the power of revocation reserved to the Legislature.

Passed at Dover, March 7, 1865.

CHAPTER 528.

Del. Laws.
Vol. 4, 382.

An Act to amend an act entitled, "An Act to incorporate a Company for making a Turnpike Road from the Borough of Wilmington to the line between this State and Pennsylvania, at or near the house now occupied by Charles Twaddell," passed at Dover, January 21, 1811.

Act amend-
ed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring,)* That Section five of said act be and the same is hereby amended, as follows, viz: Strike out in the eighth and ninth lines the words, "for every share by him subscribed and held," and insert in lieu thereof the words, "for such share or shares subscribed or held;" this amendment to embrace all certificates that may have been issued since February 24, 1864.

How applied
to other
turnpike
companies.

SECTION 2. *And be it further enacted,* That the provisions of Section 1 of this act shall apply to all Turnpike Companies in this State.

Passed at Dover, March 7, 1865.

An Act to amend Chapter 48 of the Revised Statutes of the State of Delaware. Rev. Code,
129.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Chapter 48 of the Revised Statutes be and the same is hereby amended by striking out the words, "In no other case shall there be a charge on the public for poor not in the Almshouse; except that" in the first paragraph of Section 11—and inserting in lieu thereof the words, "Any Trustee of the Poor may grant such out-door relief as he may deem necessary to poor persons residing in his hundred, and not being in the Almshouse." The Board of Trustees may at any quarterly meeting limit the amount of out-door relief to be thereafter expended in any Hundred. Section 11,
Chapter 48,
Rev. Stat.,
amended.
Rev. Code,
132.

Passed at Dover, March 7, 1865.

CHAPTER 530.

An Act to Incorporate the Town of Frederica.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,)* That John W. Hall, William Townsend, James Thomas, John M. Sutherland and Paris T. Carlisle, Sr., be and they are hereby appointed Commissioners, whose duty it shall be, and they are hereby authorized, with the assistance of a surveyor, to be by them chosen, to survey and lay down, on a plot, the town of Frederica, establishing its limits and marking and describing its streets, alleys, lanes and sidewalks, and when said duty is performed, to return the plot, with a certificate of its correctness, under their hands, or the hands of a majority of them, to the office of the Recorder of Deeds, at Dover, and cause the same to be recorded in said office, and the said certified plot, or the record thereof, shall be evidence. The Commissioners and Surveyor, before entering upon the discharge of their duties under this Section, shall take an oath or affirmation to discharge said duties impartially and with fidelity, and the aforesaid return shall show that this requirement was complied with. Commission-
ers appoint-
ed.
Their duties.
Plot of town.
What to
show.
Commission-
ers and sur-
veyor to be
sworn.

SECTION 2. *Be it enacted as aforesaid,* That the Commissioners hereby appointed, and their successors, to be chosen as hereinafter provided, shall be a body politic and corporate, in fact and in law, by the name of the Town Commissioners of Frederica, and may sue and be sued by that name. They shall, in addition to the powers hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the sidewalks, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen, to examine any chimney, stove pipe, fixtures, or any other matter dangerous to the town, and, if adjudged dangerous, to cause and require it to be repaired and remedied, or, if necessary, to be removed; to prevent or remove nuisances in said town; to prohibit the firing of guns or pistols, the making of bon-fires or setting off fireworks, or any dangerous sport or practice; to suppress and prevent any noisy and turbulent assemblages of negroes, boys, or other unruly persons within the town, and generally, they shall have all the powers which by any law of this State are conferred upon the Commissioners of the town of Dover, and especially they shall have power to prevent stock of every kind from running at large within the limits of said town. *Provided,* That nothing herein contained shall authorize or empower said Commissioners, or their successors, to be chosen as hereinafter provided, to remove any porch or building, at present erected, without the consent of the owner, or to remove any ornamental trees in front of any dwelling without the consent of the owner.

SECTION 3. *Be it further enacted as aforesaid,* That the Commissioners named in Section 1 of this act shall continue in office until the first Monday in March, A. D. 1866, and until successors be duly chosen. There shall be an election held at the school-house in said town, on the said first Monday of March, A. D. 1866, and on the same day in each year thereafter, from the hours of 2 o'clock, P. M., until 4 o'clock, P. M., for five Commissioners, who shall reside in said town and be freeholders therein. The said election shall be held by two persons, chosen by the voters present, who shall receive the ballots, ascertain the result, and certify the same to the old Commissioners, to be by them entered in the books of the Commissioners. At such election every white taxable person, resident in said town (females voting by proxy) above the age of twenty-one years, shall be entitled to vote. *Provided,* That no married female shall be allowed to vote.

SECTION 4. *Be it further enacted as aforesaid,* That there shall be four stated meetings in every year of the said Commissioners, viz: on the fourth Saturday of March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of

the streets, the paving or other improvement of the sidewalks, and all other matters relating to the said town, its policy, ornaments, improvement and general welfare, as by said Commissioners may be deemed proper. *Provided*, The same be not repugnant to the Constitution or laws of this State. By such ordinances they may impose fines, penalties and forfeitures and provide for the collection of the same.

SECTION 5. *Be it further enacted as aforesaid*, That the Commissioners shall, at the first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding two hundred dollars, exclusive of the dog tax, and shall appoint an assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the white male citizens residing in said town, above the age of twenty-one years, as well those owning real estate as those not owning real estate in said town, and also to ascertain the number of dogs in said town and the owners of such dogs, assessing each dog to the owner thereof at fifty cents; and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a copy of such assessment, containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Commissioners shall give five days public notice of that fact, and that they will sit together, at a place and on a day to be by them designated, from one till four o'clock in the afternoon, to hear appeals from said assessment. They shall have power at such time to add to or lessen any assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of one dog. When the appeal day has passed, the Commissioners shall, without delay, cause the assessment list to be transcribed and the copy to be delivered to the Collector, who shall thereupon collect from each taxable the amount of his tax and pay over the whole amount, after deducting commissions and such delinquencies as shall be allowed by the Commissioners, to the Treasurer, by the first day of September next after the receipt of his duplicate. The Collector shall have the same powers for the collection of said taxes as are conferred by law on the collectors of county taxes. The Treasurer and Collector shall each give bond to the Commissioners for the proper discharge of their respective duties.

Town tax.

Duties of the Assessor.

Tax on dogs.

Duties of commissioners on return of assessment

Appeals.

Power of collector.

Treasurer and collector to give bond.

SECTION 6. *Be it further enacted by the authority aforesaid*, That the Commissioners, or a majority of them, shall have authority to use the money in the Treasury of the town for the

Town money—by whom and how expended.

general improvement, benefit and ornament of the said town, as they, or a majority of them, may deem advisable; but no money shall be paid out by the Treasurer except upon the written order of the Commissioners, or a majority of them.

Ordinance
in relation
to sidewalks

SECTION 7. *And be it further enacted as aforesaid,* That any ordinance for the paving or improving of the side-walks shall apply only to those persons owning the property upon them, who shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with within three months, the Commissioners may procure the materials and work to be found and done, and collect the expense of the same, on ten days' notice by advertisements posted at four of the stores of said town, out of the personal or real estate of the party in default. The sale may be made by any one whom the Commissioners may appoint for that purpose, and if the proper notice of such sale has been given, shall transfer to and vest in the purchaser all the right and title of the person in default in the property sold. The proceeds of such sale shall be paid to the Treasurer for the use of the town, but if there be any surplus, after meeting the claim for which the sale was made, and the reasonable expenses of making said sale, it shall be paid to the said party in default.

Town alder-
man.

SECTION 8. *Be it enacted as aforesaid,* That the Justice of the Peace resident in the town, or, if more than one such resides in said town, the oldest in commission, or, if no such officer resides the town, then the Justice of the Peace resident nearest said town, shall be the Town Alderman, and all the provisions of the act of February 11, 1841, (9th vol. Del. Laws, 349) which appertain to the Alderman of the town of Dover, shall apply to and are hereby extended and applied to the said Alderman of the town of Frederica. The Constable resident in said town of Frederica, and, in case no such officer shall reside in said town, then the Constable resident nearest thereto, shall be the Town Constable, and all provisions of the act aforesaid, in reference to the Town Constable of Dover, shall be applied and are hereby extended and applied to the said Town Constable of Frederica.

Town con-
stable.

Acts in rela-
tion to town
of Dover to
be applica-
ble to Fred-
erica.

SECTION 9. *Be it further enacted as aforesaid,* That all the provisions of the several acts of the General Assembly of this State, in relation to the town of Dover, not inconsistent with this act, may be applied by the Commissioners of the town of Frederica to the government of that town, and shall have the same effect, when so applied, and all proceedings in accordance with them shall be valid in law.

Limits of
town.

SECTION 10. *Be it enacted as aforesaid,* That the Commissioners named in the first section of this act, in fixing and establishing the limits of the town of Frederica, shall start at the fork or

point formed by the junction of Murderkill and Spring Creeks, and run from thence, with Spring Creek, to the line dividing the lands of the heirs of Robert J. Lowber, deceased, and the lands of Mary W. Darby; thence with said division line, to a corner for lands of John W. Hall, Paris T. Carlisle and Nathaniel Young; thence, with a line dividing the lands of John W. Hall and Nathaniel Young, to the public road leading from Frederica to Milford, and thence crossing said road, by the same line, to Murderkill Creek, and thence, with said Murderkill Creek, to the place of beginning. The said Commissioners may open any new streets within said limits, paying to the owners of any land taken for that purpose a fair compensation, to be ascertained by the valuation of two disinterested persons, one of whom shall be chosen by the Commissioners and the other by the land-owner. In case of disagreement between the persons chosen, they may call in a third person, and the finding of a majority of them shall be binding. The said Commissioners shall have no authority to close up any street, lane or alley, at present open in said town, but shall cause the same to be laid down on the plot to be returned to the Recorder's office, in Dover, under the provision of the first section of this act.

SECTION 11. *Be it enacted as aforesaid,* That, in case of necessity, the Alderman may and he is hereby authorized to appoint a ^{Special constable.} special Constable to execute any duties required to be performed by the Town Constable, and such special Constable shall act in the discharge of the duties required, under a penalty of five dollars, to be imposed by the Alderman and collected as other fines.

SECTION 12. *Be it further enacted as aforesaid,* That the Commissioners shall appoint a Town Clerk, who shall keep a record ^{Town clerk. Duties.} of the proceedings of the Commissioners, and the same shall be evidence.

SECTION 13. *Be it further enacted as aforesaid,* That the Commissioners shall receive such compensation as shall be allowed to ^{Commissioners' compensation.} them by a vote of the taxables at the annual meeting on the first Monday in March, as hereinbefore provided.

SECTION 14. *Be it further enacted as aforesaid,* That Section 8 of an act entitled, "An act directing the manner of choosing ^{Section 8 of the act of February 9, 1826, repealed.} Commissioners to regulate and repair the streets and alleys of Frederica, and for other purposes," passed at Dover, February 9, 1826, be and the same is hereby repealed.

SECTION 15. *Be it further enacted,* That this act shall be ^{Public act.} deemed and taken to be a public act.

Passed at Dover, March 8, 1865.

CHAPTER 531.

An Act to amend an Act entitled, "An Act to incorporate a Company for making a Turnpike Road from the Borough of Wilmington to the line between this State and Pennsylvania, or to communicate with the artificial road contemplated from the Gap to Newport," passed February 1st, 1808.

Del. Laws,
Vol. 4, 1808.

Act amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch concurring,) That Section twelve of the above act be, and the same is hereby amended as follows: Strike out all of said Section 12 after the words "to wit," in the fifteenth line thereof, and insert the following: "for any score of sheep or hogs, five cents per five miles; for every score of cattle four cents per mile; for every horse or mule, laden or unladen, with his rider or leader, one cent per mile; for every horse or mule attached to any cart, wagon, dearborn, carriage, stage, hack, sleigh, or other vehicle, one and-a-half cents per mile, and for every yoke of oxen attached to any cart or other vehicle, one-and-a-half cents per mile. Provided, That all wagons, with wheels, four inches or more wide, shall be entitled to a deduction of one-fourth of the above rates."*

Deductions.

SECTION 2. *Be it further enacted by the authority aforesaid, That all persons commuting on said road shall be entitled to a deduction of forty per cent. from the rates fixed upon in Section 1 of this bill, the Company charging for the distance travelled.*

Inconsistent
acts repealed.

SECTION 3. *Be it further enacted by the authority aforesaid, That anything in the act incorporating the said Company, or in any supplement to said act, inconsistent with the provisions of this act, be and the same is hereby repealed, made null and void.*

Passed at Dover, March 8, 1865.

An Act to Incorporate the Seaford Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch thereof concurring,) That Isaac J. Jenkins, John E. Darbee, William H. Hazzard, Thomas E. Cottingham, William E. Rogers, Thomas R. Harper, George T. Kay, Jacob Wallace, Edward L. Martin, William W. Dulany and W. Huffington Cannon, and such other persons as now or may hereafter be associated with them, and their successors, be and they are hereby constituted a body politic and corporate by the name and style of the "Seaford Seminary." The object of said Corporation shall be the instruction of students of both sexes in Primary Branches, Languages, Arts and Sciences.

Company
incorporated

Name.

SECTION 2. *And be it further enacted as aforesaid,* That the said Corporation shall have succession for the period of twenty years, with power to sue and be sued, plead and be impleaded in courts of law and equity; to make and use a common seal and alter the same at pleasure; to take by gift, grant, devise, bequest, contract or otherwise, and to hold and transfer lands, tenements and hereditaments, goods, chattels, rights and credits, *Provided nevertheless,* that all property of the said Corporation shall not exceed, in yearly value, the sum of two thousand dollars; and with power to grant to students such certificates as to such corporation may seem meet.

Succession.
Corporate
powers.

Provido.

SECTION 3. *And be it further enacted as aforesaid,* That the capital stock of the said corporation shall not exceed ten thousand dollars, divided into shares of ten dollars each. The Commissioners named in the first section of this act are appointed Commissioners to procure subscriptions, and they, or any three of them, shall open books of subscription to such capital stock, at Seaford, on or before the first day of September next, and at such other times and places as the majority of them may determine upon; and whenever, in the opinion of such majority, a sufficient amount of stock shall be subscribed to commence operations, they may call for the payment of the stock subscribed at such times as they may deem expedient, giving thirty days notice thereof, and calling no more than three dollars on each share at one time.

Capital
stock.Who to procure sub-
scriptions.
Books, when
and where
opened.Shares when
subscribed.
How called
in.

SECTION 4. *Be it enacted as aforesaid,* That on the payment of the first installment a meeting of the Stockholders shall be called at a time and place fixed by the Commissioners, at which meeting, and annually thereafter, the Stockholders, in person or by proxy, shall choose by ballot, and by a majority of votes, each share being entitled to one vote, seven Trustees and a Treasurer to continue in office one year, and until others shall be duly chosen;

Meeting of
stockholders

any vacancy in the Board of Trustees may be supplied by the others; if failing to elect annually will not dissolve the Corporation;* the affairs and business of the Corporation shall be conducted by the Trustees, a majority being sufficient to elect; they shall elect one of their members President and employ such other officers, professors, instructors, agents and servants as may be necessary, subject to removal by a vote of four members of the Board of Trustees; may fix their compensation and secure their fidelity by a bond or otherwise. They shall have power to make laws, rules and regulations for the government of the Corporation, not being inconsistent with the Laws of this State or of the United States, and being subject to change or repeal by the Stockholders in general meeting.

Neglect to
pay install-
ments.

SECTION 5. *And be it further enacted as aforesaid,* That if any subscriber to the capital stock shall refuse to pay any installment on the stock subscribed for or held by him, for the space of thirty days after the time appointed for payment thereof, and notice to him, the Trustees may either declare such stock forfeited and sell the same for the benefit of the Corporation, or in the name of the Corporation sue for and recover the sum remaining unpaid, with costs and interest thereon, and such delinquents shall not, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the Stockholders, or to recover any dividends on their stock.

Public act.
Revocation.

SECTION 6. *And be it further enacted,* That this act shall be a public act, and the right of repeal is hereby reserved to the Legislature.

Passed at Dover, March 9, 1865.

CHAPTER 533.

An Act to Incorporate "The House of Refuge of New Castle County."

Preamble.

WHEREAS in the laws of this State there is no provision for the reformation of juvenile delinquents without parents or guardians, or who are permitted to pursue vicious courses, or have become incorrigible, and the county prison is not a suitable place for the confinement therein of such offenders for punishment or reformation, the welfare of that class, and of the community, demand that a House of Refuge or reformation for juveniles be established in New Castle County.

*So in enrolled bill.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of both branches of the Legislature concurring therein:)

SECTION 1. That Daniel M. Bates, James F. Wilson, M. D., John C. Clark, Samuel Harlan, Jr., Edward P. Bellah, Washing-^{Incorporation.} ton Jones, L. P. Bush, M. D., Lewis Zebly, William C. Lodge, Joseph Tatnall, J. W. Maury, Solomon M. Curtis, James Deleplaine, David Chandler, Nathaniel R. Benson, Elihu Jefferson, Joseph M. Pusey, Edward Betts, Daniel Corbit, Gregg Chandler, Hanson Harmon, Peter B. Vandever, Lewis Thompson, J. Taylor Gause, Philip Plunkett, R. R. Porter, M. D., Caleb P. Johnson, Achilles Hollingsworth, William S. Hilles, David C. Wilson, Jesse Sharp, Henry F. Askew, Robert D. Hicks, Edward Moore, Theodore F. Crawford, John Watson Evans, and all who shall contribute to the support of the said corporation, as provided in Section 2, be and they are hereby incorporated and made a body politic in law under the name and title of "The House of Refuge ^{Name.} of New Castle County," and by that name shall have succession for the period of twenty years; and they shall be and are hereby made able and capable in law, to have, take, purchase, receive, ^{Corporate powers.} possess and retain to them and their successors, for the use and lawful objects of the corporation, any estate, real or personal, *Provided* that the annual income of the entire estate held shall not exceed ten thousand dollars, and the same to sell, grant, demise, alien, or dispose of; to make contracts relative to the objects of this incorporation; to sue and be sued, implead and be impleaded in all courts of law and equity; to have a common seal, and the same to alter at pleasure; to establish by-laws and rules for the regulation of said corporation, *Provided* the same be not repugnant to the Constitution and Laws of the United States and of this State; and generally to have the privileges and franchises incident to a corporation or body politic.

SECTION 2. Every person who shall pay to the said corpora-^{Who shall be members.} tion the sum of forty dollars, or eight dollars annually for the term of six years, shall become a member thereof during its existence as a corporation, and every person paying the sum of two dollars annually shall be a member while he continues to contribute the said sum; such payments to be made at the time and in the manner to be prescribed in the by-laws of the said corporation.

SECTION 3. The estate and concerns of the said Corporation ^{Corporation to be managed by a board of Managers.} shall be managed by a Board of twenty-one Managers, of whom five shall constitute a quorum for the transaction of business. ^{Mayor ex-officio a manager.} The Mayor of the City of Wilmington shall be ex-officio one of the Managers; the other twenty Managers shall be elected by the members of the Corporation. ^{Corporators to meet in City of Wilmington.} The Corporators shall meet in the City of Wilmington on the third Wednesday of April next

When. after the passage of this act, or as soon thereafter as practicable, and shall, from themselves, elect twenty Managers, residents of New Castle County, to serve until the second Wednesday of January, 1866, on which latter day, and on every succeeding second Wednesday of January, the members of the Corporation shall hold a meeting for the election of Managers for the ensuing year, at such place in the city of Wilmington as the Managers shall appoint, of which meeting the President of the Board, or in case of his refusal, or omission to do so, the Secretary or any member of the Corporation shall give notice, in two newspapers published in said city, and at such meeting shall elect by a plurality of ballots the Managers aforesaid, to serve until the next annual election and until their successors are chosen; but a failure to elect on the day appointed shall not therefore dissolve the Corporation; but the Managers shall, as soon thereafter as practicable, call another meeting of the members of the Corporation, at which the election shall be held; and in case two or more persons receive an equal number of votes at any election, the Board of Managers shall decide which one or ones shall act as Manager, so far as it may be necessary in order to complete the legal number of the Board. Any vacancy in the office of Manager shall be filled until the next election by the Board, who shall select some member of the Corporation. The Board shall, out of their own body, appoint a President, two Vice-Presidents, a Treasurer and a Secretary.

Election of managers.

Notice of meeting.

Failure to elect not to dissolve the corporation.

Vacancies, how filled.

SECTION 4. The said Board of Managers shall provide a suitable building or buildings, with all the necessary appurtenances, as a House of Refuge for New Castle County, to be located in the City of Wilmington, and shall establish such by-laws, ordinances and regulations relative to the religious and moral education, training, employment, discipline, management, government, instruction, safe keeping and the disposition of the inmates, not contrary to law, as they may deem expedient and proper; may appoint such officers, agents and servants as they may deem necessary to transact the business of the said Corporation, and may prescribe their duties.

Powers and duties of the board of managers.

SECTION 5. It shall be lawful for the said Board, in their discretion, to receive into the said House of Refuge, white minors, residents of New Castle County, to wit: males under the age of twenty-one years and females under the age of eighteen years, when committed to their custody, in the following modes:

What minors the Board may receive into the House of Refuge. When committed to their custody.

First, When committed by the Mayor or Aldermen* of the City of Wilmington, or any Justice of the Peace, on complaint and due proof made to him by a parent, guardian, or next friend of such minor, that by reason of incorrigible or vicious conduct he cannot control such minor, and from regard to his morals and future welfare it is requisite that he should be placed under the guardianship of the Managers of the House of Refuge.

* So in original.

Second. When committed by the authorities aforesaid, upon complaint and due proof that such minor is a proper object for the guardianship of the said Managers, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from moral depravity or otherwise of a parent, guardian, or person in whose custody such minor may be, such parent, guardian, or other person having custody of the minor is incapable or unwilling to exercise the proper care and discipline over him.

Third. Minors committed to the custody of the said Board by the Court of Oyer and Terminer, the Court of General Sessions of the Peace and Jail Delivery, the Mayor's Court for the City of Wilmington, the Mayor or Alderman of said City, or any Justice of the Peace, upon conviction of vagrancy or other criminal offence before them; or upon acquittal of the minor, if the Court or Magistrate, upon the testimony, shall consider him a proper object for the House of Refuge, and it shall not be in the discretion of the said Board to reject any minor committed to their custody on conviction of a criminal offence. And the Board shall have power to place the minors, committed to the their custody, at such employments, and cause them be instructed in such branches of useful knowledge as may be suitable to their years and capacities, and they shall have power in their discretion to bind out the said minors, with their consent, as apprentices, the males during their minority, the females until they attain the age of eighteen years, to such persons, and at such places, to learn such proper trades and employments as in their judgment will be most conducive to the reformation and amendment, and will tend to the future benefit and advantage of such minors. And the said Mayor's Court, Mayor, Alderman, or any Justice of the Peace, shall endorse on the writ by which any minor is committed to the custody of the said Board, the names and residences of the witnesses examined by him, and of any complainant in the case.

The Board may not reject minors committed to their custody.

Power of the Board over minors in their custody. May bind them out.

SECTION 6. Any person who may believe that any minor has been committed to the custody of the said Board without sufficient cause by the said Mayor's Court, Mayor, Alderman, or any Justice of the Peace, may, on behalf of such minor, or the minor may appeal to the Associate Judge of the Superior Court of New Castle County, who shall rehear the case, and for that purpose shall cause the minor to be brought before him, and the witnesses in the former examination, and any other witnesses the Judge may think proper or the minor may request, to appear and testify; and the minor shall be at liberty to procure counsel in his behalf, and upon such rehearing, if it shall appear to the Judge that such minor was, without sufficient cause, committed to the custody of the said Board, he shall be discharged, otherwise remanded to their custody; or if he had been committed on

Any person believing a minor has been wrongfully committed by Mayor, Alderman, &c. may appeal on behalf of such minor, to the Associate Judge to hear the case. Minor may procure counsel.

Judgment
final.

Habeas
Corpus.

conviction of a criminal offence, instead of remanding him, the Judge may, in his discretion, direct that the penalties prescribed by law for the offence be imposed; and such judgment shall be final. *Provided*, That nothing in this act shall repeal any of the provisions of Chapter 115 of the Revised Code, entitled "Habeas Corpus."

Annual re-
port of the
Board of
Managers.

SECTION 7. The Board of Managers shall present to the members of the Corporation, at every annual meeting for election, a report for the last year of the number of persons received by them into the House of Refuge, the disposition made of the inmates in their instruction and employment therein, and in binding them out as apprentices, the receipts and expenditures of the Board, and generally all such facts and particulars as may tend to exhibit the management of the said House of Refuge and the results thereof.

Power of the
Levy Court
to make ap-
propriations

SECTION 8. The Levy Court of New Castle County shall have authority to make an appropriation or appropriations annually to the said Corporation for the purposes of its incorporation.

Property of
the Corpora-
tion free
from tax.

SECTION 9. The estate, real and personal, of the said Corporation, used for the purposes of its incorporation, shall be free from State, County and City tax.

Misnomer
not to defeat
gifts.
Proviso.

SECTION 10. Any misnomer of the said Corporation shall not defeat or annul any gift, grant, devise or bequest to the said Corporation, *Provided* it sufficiently appear by the will, conveyance, or other writing, that the party making the same intended to pass or convey thereby to the said Corporation the estate or interest therein expressed or described.

Revocation.

Public act.

SECTION 11. The power of revoking this act is hereby reserved to the Legislature of this State, and it shall be deemed and taken to be a public act.

Passed at Dover, March 9, 1865.

An Act to Incorporate "The Wilmington Skating Park Association."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,)* That James Bradford, William Canby, D. M. Bates, C. Rodney, Smiley King, J. R. Flinn, M. M. Childs, William Tatnall, Ignatius C. Grubb, and such other persons as now are or hereafter may be associated with them and their successors, be and they are hereby constituted a body politic and corporate by the name and style of "The Wilmington Skating Park Association."

Incorporation.

Name.

SECTION 2. *And be it further enacted as aforesaid,* That the said Corporation shall have succession for the period of twenty years, with power to sue and be sued, plead and be impleaded in courts of law or equity, to make and use a common seal and the same to alter and renew at pleasure, to take by gift, grant, devise, bequest, contract or otherwise, and to hold and transfer lands, tenements, hereditaments, goods, chattels, rights and credits. *Provided nevertheless,* That all the property of the said Corporation shall not at any time exceed the sum of twenty thousand dollars, (\$20,000.)

Succession.

Corporate powers.

Limitation of property.

SECTION 3. *And be it further enacted as aforesaid,* That the capital stock of the Corporation shall not exceed ten thousand dollars, (\$10,000,) divided into shares of ten dollars (\$10.00) each. The persons named in the first Section of this act are appointed Commissioners to procure subscriptions, and they or any of them may open books of subscription to such capital stock at Wilmington, on or before the first day of March, Anno Domini one thousand eight hundred and sixty-six, (1866,) and at such other times and places as the majority of them may determine upon; and whenever, in the opinion of such majority, a sufficient amount of stock shall have been subscribed, they may call for the payment of the stock subscribed at such time and in such manner as they may deem expedient, first giving ten days notice thereof.

Capital stock.

Commissioners to procure subscriptions.

SECTION 4. *And be it further enacted as aforesaid,* That on the full payment of one-fourth of the capital stock as aforesaid, a meeting of the Stockholders may be called at a time and place fixed by the Commissioners, at which meeting the Stockholders, in persons or by proxy, shall choose by ballot, and by a majority of votes, (each share being entitled to one vote,) nine Directors and a Secretary and Treasurer, to continue in office for one year, or until successors be duly chosen. Any vacancy in the Board of Directors may be supplied by the others. A failure to elect annually will not dissolve the Corporation. The affairs and

Meeting of stockholders to choose Directors, a Secretary and Treasurer.

Vacancies.

Affairs of
corporation
—who to
conduct.
President.

business of the Corporation shall be conducted by the Directors. They shall elect one of their number President, and may appoint and employ such other officers, agents and servants as they may deem necessary. They shall have power to make laws, rules and regulations for the government of the Corporation, not being inconsistent with the laws of the land, and being subject to change or repeal by the Stockholders in general meeting. The annual meeting of Stockholders shall be held on the first Monday of January in each year, at which time the Directors and Secretary and Treasurer shall be elected.

Annual
meeting

Neglect to
pay stock
subscribed.

SECTION 5. *And be it further enacted as aforesaid,* That if any subscriber to the capital stock shall neglect or refuse to pay the amount due upon or for the stock subscribed for or by him for the period of thirty days after the time appointed for the payment thereof, as aforesaid, and notice to him, the Directors may in the name of the Corporation sue for and recover the same with costs and interests thereon, and such delinquents shall not, during the time such sum shall be due and unpaid, be entitled to vote at any meeting of the Stockholders or to recover or receive any dividend on their stock.

Public act.
Revocation.

SECTION 6. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and the power to revoke, alter or annul the same is hereby reserved to the Legislature.

Passed at Dover, March 9, 1865.

CHAPTER 585.

An Act to enable Curtis Vineyard, Jr., to straighten a Public Road upon his own land in Milford Hundred.

C. Vineyard
authorized
to straighten
a public
road.

How to
straighten.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Curtis Vineyard, Jr., be and he is hereby authorized and empowered to straighten the public road leading through lands late of the Rev. Charles Shock and the said Vineyard to Joseph O. McColley's mills in Milford Hundred, Kent County, as follows: Beginning at an angle in said road nearly opposite the residence of said Vineyard, thence north fifty-nine degrees, west thirty perches out to a new public road now opened and leading past lands of A. N. Hall and Joseph Owens.

SECTION 2. *Be it further enacted by the authority aforesaid, That* Expenses, how borne.
the said Curtis Vineyard, Jr., shall open the road hereby authorized at his own costs and charges, making the said road of Width of
the width required by law. new road.

Passed at Dover, March 9, 1865.

CHAPTER 536.

An Act Increasing the Fees of Witnesses, Jurors, Commissioners appointed by the Courts, Appraisers and Freeholders to lay out roads.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That the fees of the several officers and persons Fees of,
hereinafter named, for the services specified with respect to each
of them, shall, from and after the passage of this act, be as follows,
to wit :

WITNESSES.

For attendance in any Court or before Referees, under a rule of Witnesses.
Court, or before a Justice of the Peace, in case of forcible entry,
or Landlord *vs.* Tenant, or before the Levy Court, or before a
Commission, Register in Chancery, or Prothonotary executing a
commission or rule for taking depositions, or before either house
of the General Assembly, or a Committee appointed by either
house, each day \$1.00, and three cents per mile going and
returning.

JURORS.

For attendance by grand, petit or special juror, each day, \$2.00, Jurors.
and three cents per mile going and returning.

COMMISSIONERS IN ORPHANS' COURT AND CHANCERY.

For attendance under an order of Court to make partition, Commis-
assign dower, estimate annual value of ward's lands, &c., if regu- sioners.
lar return be made each day, \$2.00.

APPRAISERS.

For appraising estate of decedent, under appointment by the Appraisers,
Register, if the estate exceed one hundred dollars, each day's
attendance, \$2.00; otherwise, \$1.00.

Freeholders. For attendance each day, if return be duly made, \$2.00.

Provisions
of Chap. 125
Rev. Code,
which con-
flict repeal-
ed.
Publication.

SECTION 2. That so much of Chapter 125 of the Revised Code as conflicts with the provisions of this act is hereby repealed, and, in every edition of the laws hereafter to be published, said Chapter 125 shall be printed so as to conform with the provisions of this act.

Passed at Dover, March 14, 1865.

CHAPTER 537.

An Act to aid the Junction and Breakwater Railroad Company in the completion of their Road, and for other purposes.

Preamble.

WHEREAS for the purpose of aiding the Junction and Breakwater Railroad Company to complete their Railroad from Milford to Lewes, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

State Treas-
urer author-
ized to make
bonds.

When.

SECTION 1. That as soon after the passage of this act as the Directors of the Junction and Breakwater Railroad Company shall procure *bona fide* subscriptions to be made to the capital stock of said Company to the amount of two hundred thousand dollars, in addition to the stock already subscribed, and shall procure and cause such additional subscriptions to the capital stock to be paid in as hereinafter provided, it shall be the duty of the State Treasurer, and he is hereby authorized, empowered and directed to cause the bonds of this State to be made to the amount of four hundred thousand dollars, and to deliver the said bonds to the amount of three hundred and fifty-two thousand dollars to the Directors of the said Junction and Breakwater Railroad Company, retaining the residue of said bonds for the purpose hereafter specified. The said bonds to be delivered by the State Treasurer to the Directors of the Company aforesaid, at such time and to such amounts as is hereinafter provided, as a loan to said Company to aid in the construction of their railroad from Milford to Lewes.

To whom
delivered.

SECTION 2. That so soon as the State Treasurer is satisfied by the oath or affirmation of a majority of the Directors of said

Company that the sum of fifty thousand dollars has been paid in, in money, upon the additional subscriptions to the capital stock of said Company; required by Section 1 of this Act, it shall be the duty of the State Treasurer for the time being, and he is hereby directed to deliver to the Directors of said Company the bonds of this State, authorized to be made by Section 1 of this Act, to the amount of one hundred and thirty-two thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer, as aforesaid, that the further sum of fifty thousand dollars has been actually paid in, in money, upon the additional subscriptions to the capital stock of said Company, as aforesaid, he shall deliver to the Directors of said Company the bonds of this State, authorized to be made by Section 1 of this Act, to the further amount of forty-four thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer, as aforesaid, that the further sum of fifty thousand dollars has been actually paid in, in money, upon the additional subscriptions to the capital stock of said Company, as aforesaid, he shall deliver to the Directors of said Company the bonds of this State, authorized to be made by Section 1 of this Act, to the amount of eighty-eight thousand dollars; and whenever it shall appear to the satisfaction of the State Treasurer, as aforesaid, that the further sum of fifty thousand dollars has been actually paid in, in money, upon the additional subscriptions to the capital stock of said Company, as aforesaid, he shall deliver to the Directors of said Company the bonds of this State, authorized by Section 1 of this Act, to the further amount of eighty-eight thousand dollars.

What subscriptions to capital stock necessary to entitle the Company to said bonds.

SECTION 3. That the bonds of this State authorized to be made by the first Section of this Act, shall be in the following form: Form of bonds.

INTERNAL IMPROVEMENT BOND.

UNITED STATES OF AMERICA.

No.

*State of Delaware.***\$1,000.**

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars, lawful money of the United States of America, which she binds herself to pay to the bearer on or before the first day of January, A. D. 1890, with interest at the rate of six per centum, payable at the Philadelphia National Bank of the City of Philadelphia on the first day of January and July until the principal be paid.

Dated at Dover the _____ day of 1886

Witness the Great Seal of the said State and the hands of the Governor, Secretary of State and State Treasurer.



GOVERNOR.

SECRETARY OF STATE.

STATE TREASURER.

The said bonds shall be numbered from one to four hundred, and shall have coupons attached for the payment of interest, numbered to correspond with the bonds, and signed by the State Treasurer. The said bonds shall be signed by the Governor, Secretary of State and State Treasurer, and have the Great Seal affixed. The public faith is hereby pledged for the payment of the interest and principal of said bonds.

Directors to mortgage the road.

SECTION 4. That the Directors of the Junction and Breakwater Railroad Company, in consideration of the bonds of this State to be delivered to them, under the provisions of Section 2 of this Act, and the further consideration of the bonds of this State, to the amount of forty-eight thousand dollars, to be retained by the State Treasurer and applied for the benefit of said Company as hereinafter provided, shall prepare, execute and acknowledge, at the expense of the said Company, a mortgage in favor of the State of Delaware, which shall be the first lien on the whole road for four hundred thousand dollars, on the whole line of the railroad of said Company from Harrington, in Kent County, to the terminus of said railroad, at or near Lewestown, in Sussex County; said mortgage shall include all the land of the Company on the line of said road, the railroad made and constructed and to be constructed and made thereon, including the cross-ties, bridges, iron and other material used in making the railroad of said Company, and all switches, sidelings, turntables and depots of the Company, and all and singular the appurtenances to the said railroad belonging or appertaining, and shall deliver said mortgage, with the proper stamps affixed, to the State Treasurer, at the time of the payment or delivery to the said Directors of the bonds of this State to the amount of one hundred and thirty-two thousand dollars, first mentioned in Section 2 of this Act. The State Treasurer shall cause the said mortgage to be duly recorded in the office of the Recorder of Deeds, at Dover, and at Georgetown. Said mortgage shall bear interest from date, and shall be payable on or before the first day of January, A. D., 1890.

Mortgage, where recorded.

State Treasurer authorized to sell bonds to a certain amount to pay two years interest on said mortgage.

SECTION 5. That the State Treasurer be and he is hereby authorized and directed to sell, at such time or times and in such manner as he may deem proper, the bonds of this State to the amount of forty-eight thousand dollars, which he is authorized by Section 1 of this Act to retain out of the bonds authorized by said Section to be issued, and to apply the proceeds from the sale of said bonds to the payment of the interest on the mortgage required by Section 4 of this Act for two years from the date of said mortgage.

How interest on mortgage shall be paid after

SECTION 6. That for the purpose of meeting the interest on the mortgage required by Section 4 of this Act, the Directors of the Junction and Breakwater Railroad Company, after the expi

ration of two years from the date of said mortgage, shall pay to the State Treasurer twenty-five cents for every passenger carried over on said railroad or any part thereof, and twenty per cent. on the amount of all other freights or tolls received by the Company on all other business done on said railroad. The payments both for passengers carried and other business done by said Company shall be made semi-annually on the first day of January and the first day of July, in each and every year, and shall be accompanied by a statement, verified by the oath of the proper officer of said Company, showing the number of passengers carried and the amount of other business done. In case the amount received by the State Treasurer, under the provisions of this Section, shall be insufficient to pay the interest on said mortgage as the same shall become due, it shall be lawful for any subsequent Legislature to increase the rates specified in this Section, and if the amount received by the State Treasurer under the provisions of this Section shall be more than sufficient to meet the interest on said mortgage, then such excess shall be deemed and considered a payment on the principal of said mortgage.

SECTION 7. That if the said Directors of said Company shall fail to make the return and payments to the State Treasurer required in Section 6 of this Act, for a period of thirty days after the time appointed for such return and payments to be made, and shall otherwise fail for the period aforesaid to pay the interest on the mortgage aforesaid, such default on the part of the Directors of said Company shall make the whole mortgage due and payable, and the State Treasurer shall proceed to collect the whole of said mortgage by due process of law, and said mortgage shall contain a provision to this effect.

SECTION 8. That the interest paid to the State Treasurer on the mortgage aforesaid, and all money received by him under any of the provisions to be applied to the interest on the mortgage aforesaid, shall be by him applied to the payment of the interest on the bonds of this State, authorized to be made by Section 1 of this Act.

SECTION 9. That before any of the provisions of Section 2 of this Act shall take effect, the Directors of the said Company shall enter into a joint and several bond to the State of Delaware, in the penal sum of two hundred thousand dollars, conditioned for the faithful application of all money received by them under the provisions of this act, together with all money received by them on the additional subscription to the capital stock of the Company aforesaid, to the construction of the railroad of said Company from Milford to Lewestown, so far as the same shall be necessary for that purpose, before any part thereof shall be applied to the building of any pier, or for any other purpose,

other than the construction of the aforesaid Railroad from Milford to Lewestown.

Legislature
to regulate
the rate of
and freight.

SECTION 10. That the Legislature of this State, at any time hereafter, may fix, regulate and determine the rate of fare for the carrying of passengers and the rate of freight to be charged on produce, goods or property of every description carried on the railroad of the Company.

Act to be ac-
cepted.

SECTION 11. That the provisions of this act shall be accepted by the aforesaid Company, at a meeting of its Stockholders, to be held within three months from the passage of this act. Such acceptance shall be certified under the hand of the President and seal of the Company, and delivered to the State Treasurer, who shall cause the same to be recorded in the Recorder's Office, at Dover and at Georgetown, and when so recorded, the record, or a duly certified copy thereof, shall be evidence, and this act shall not take effect until it has been accepted by the Company, as aforesaid.

Meeting of
stockholders
to elect new
Board of
Directors.

SECTION 12. That it shall be lawful for the Stockholders of said Company to elect a new Board of Directors, at a meeting to be called for that purpose, within thirty days after the acceptance of this act. Such meeting may be called by any number of Stockholders representing one-half of the stock subscribed and paid in.

Passed at Dover, March 14, 1865.

CHAPTER 538.

An Act to amend Chapter 59 of the Revised Code.

Rev. Code,
186.
Section 16,
Chapter 59,
of Rev. Code
amended.
How
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sixteenth Section of Chapter 59 of the Revised Code is hereby amended by striking out the words "one dollar," in the second line of said Section, after the word "Commissioners," and inserting in lieu thereof the words "two dollars," so that hereafter the fees of a Commissioner appointed under and by virtue of said Chapter 59 shall be two dollars per day.

Passed at Dover, March 14, 1865.

CHAPTER 589.

An Act to amend Chapter 9, Chapter 10 and Chapter 18 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That Chapter 9 of the Revised Code of the State of Delaware be amended by inserting in the sixth line of the twenty-first Section thereof, after the word "hundred," the words "or election district;" that Section twenty-seventh of the same Chapter be amended by striking out of the fourth line of the said Section the word "one," and inserting in lieu thereof the word "five," and by inserting in the fifth line, after the word "hundred," the words "or election district where a hundred is divided into two or more election districts," and also by inserting in the seventh, thirteenth, nineteenth and twenty-fifth lines of said Section, after the word "hundred" in each, the words "or election districts."

Sections 2, and 27 of Chapter 9, Rev. Code amended.
How amended.

SECTION 2. That Chapter 10 of the Revised Statutes of the State of Delaware be amended by striking out the whole of the sixteenth Section and inserting in lieu thereof the following. to wit:

Section 16, Chapter 10, Rev. Code, amended.

SECTION 16. Every Assessor shall complete the assessment for his Hundred, making a separate assessment for each election district thereof, by the first day of January, and shall, before the fifteenth day of that month past, in five of the most public places of each election district, an alphabetical list of the names of the persons assessed in that district, with the separate sums of their real, personal and poll rate and their aggregate amount, and at the same time and place and in the same manner he shall give notice that he will attend at the place of holding the general election, or where a hundred is divided into two or more election districts, at some central place in the hundred, named in said notice, on the last Saturday of the aforesaid month, from 10 o'clock, A. M., till 5 o'clock, P. M., to correct any errors therein or for the purpose of assessing persons omitted. *Provided*, That where a hundred is divided into two or more election districts the Assessor for said hundred shall, at the assessment next after the adoption of this amendment, make a general assessment of every such district in accordance with the provisions of this Section.

Assessment to be finished 1st January.
Notice of.
Corrections.
Provided.

SECTION 3. That Chapter 18 of the Revised Statutes of the State of Delaware be amended by inserting in the eighth line of the third Section thereof, after the word "hundred," the words "or election district where a hundred is divided into two or more election districts."

Section 3, Chapter 18, Rev. Code, amended.
How amended.

Passed at Dover, March 14, 1865.

An act to incorporate the New Castle County Mutual Association for the promotion of Agriculture and the Mechanic Arts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That
 Members in- Evan C. Stotsenburg, J. A. Brown, George Jackson, T. M. Ogle,
 corporated. Daniel Corbit, Samuel Townsend, J. Poulson Chandler, Rathmel
 Wilson, J. A. B. Smith, James C. Jackson, Samuel Allen and
 Anthony M. Higgins, and such others as may from time to time
 join them, shall be, by virtue of this act, one body politic and
 Continuance corporate in fact and in law, and shall have continuance and
 succession for twenty years by the name, style and title of "The
 Name. New Castle County Mutual Association for the promotion of
 Agriculture and the Mechanic Arts."

SECTION 2. *And be it further enacted,* That the said Corporation
 Corporate and their successors, during the time of their corporate existence,
 powers. shall be capable in law to purchase, take, receive and hold any
 land and tenements, hereditaments, rents, leases, stocks, goods
 and chattels, bonds, notes, mortgages, or money, or any other
 property whatsoever, which may be devised, given or conveyed
 to or received by the payment of fees, dues and fines; and also
 to grant, sell, let, bestow, assign, or transfer the same, and do all
 other matters relating thereto, by the name and title aforesaid;
 and shall have a common seal, with authority to break, alter and
 renew the same at pleasure; may sue and be sued, plead and be
 impleaded in any court of law or equity in this State or else-
 where, in any and all manner of actions, suits, pleas, causes and
 matters whatsoever.

SECTION 3. *And be it further enacted,* That there shall be an
 Annual annual meeting of the members of the Association, on the first
 meetings. Monday in April in each year, to be advertised for two weeks in
 two newspapers of the county, at which ten members shall
 Quorum. constitute a quorum to do business; and at the said meeting
 Officers. proper officers shall be appointed or elected, as may be deemed
 necessary and proper, to conduct the business of the said Corpora-
 tion and properly manage its affairs conformable to the provi-
 By-laws. sions of this act and to the by-laws of the said Corporation, and
 from time to time, make and establish such by-laws and rules as
 they shall deem proper and necessary for the good government
 thereof, *Provided* such by-laws and rules be not contrary to the
 laws and constitution of this State or of the United States.

SECTION 4. *And be it further enacted,* That the said corporation
 Limitation shall not have power to hold or possess in any manner, goods,
 of property. chattels, rights, credits, lands or tenements, or any other property,
 the clear income of which shall exceed ten thousand dollars, and

shall not possess banking powers other than the lending of money on security for permanent investment. Banking powers prohibited.

SECTION 5. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the power to revoke this charter at any time is hereby reserved to the Legislature. Public act. Revocation.

Passed at Dover, March 15, 1865.

CHAPTER 541.

An Act to Incorporate the Town of Seaford and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring:)

SECTION 1. That Benjamin Stockley, John E. Darbee, Isaac Millen, Henry L. Hoskins and Michael Colbourn, are hereby appointed Commissioners whose duty it shall be, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay down on a plot the Town of Seaford, establishing its limits and making and describing its streets, alleys, lanes, and sidewalks, and shall, when all the service is performed, return the plot, under their hands, to the Recorder's Office, at Georgetown, to be recorded, and the original and the record, by certified copy thereof, shall be evidence. Commissioners with surveyor to survey and plot the town. All the Commissioners must act, but the decision of a majority shall govern; they and the surveyor, before entering on the duties under this Section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with. Plot where returned. Commissioners and surveyor to be sworn.

SECTION 2. The Commissioners hereby appointed, and their successors in office to be chosen as hereinafter provided, shall be a body politic and corporate in fact and in law by the name of the Commissioners of Seaford, and shall sue and be sued by that name. Commissioners incorporated. They shall, in addition to the powers hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine to be paved or otherwise improved at the expense of the owners of the ground adjacent; on complaint of any citizen to examine any chimney, stovepipe fixtures or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired or Name. Powers.

remedied; to remove nuisances therein, or prohibit the firing of guns and pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblage of negroes, boys or other persons within the town; and generally they shall have any and all of the powers which, by any law of this State, are conferred on the Commissioners of the Town of Dover, and specially they shall have power to prevent swine, horses and geese from running at large within the limits of said town.

<p>Term of office of commissioners. Elections, when held. Where held.</p>	SECTION 3. The Commissioners herein named shall continue in office till the first Monday in April, A. D., 1865, on which day, in that year and on the same day in every year thereafter, there shall be held an election in the said town of Seaford, at the Odd Fellows' Hall, from the hour of two till the hour of four o'clock P. M., who shall be residents of the said and freeholders.* The said election shall be held by two persons, chosen by the voters present, who shall receive the ballots, ascertain the result and certify the same in the town record. At such election every white male, and female by proxy, taxable of said town, above the age of twenty-one years, provided such female be unmarried.
<p>How conducted.</p>	
<p>Who may vote.</p>	shall be entitled to vote. The two citizens aforesaid shall be the judges of said election, and shall decide on the legality of the votes offered.
<p>Judges</p>	

<p>Stated meetings. When held. For what purpose held.</p>	SECTION 4. There shall be four stated meetings every year of the said Commissioners, viz: on the third Monday in April, June, October and January, at which meetings they may pass all such ordinances or rules for the good government of the said town, the pavement of the streets, the paving or other improvements of the sidewalk, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments and general welfare as by said Commissioners may be deemed proper, <i>Provided</i> the same be not repugnant to the Constitution and Laws of this State. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection.
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<p>Town tax.</p>	SECTION 5. The aforesaid Commissioners shall, at their first stated meeting in every year, determine the amount [of] tax to be raised on said town for that year, not exceeding two hundred dollars, exceeding* the dog tax, and shall appoint an Assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of the said town, within two weeks from his appointment, to make a true, just, impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning such estate within
<p>Duties of the assessor.</p>	

*So in enrolled bill.

its limits, and also to ascertain the number of dogs in said town, and the owners or holders of such dogs, assessing each dog to the owner or holder thereof at fifty cents for each male dog, and one dollar for each female dog, and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioner for the time being, a duplicate, containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. When the assessment is returned the Commissioners shall give five days public notice of that fact, and that they will sit together at* a certain day and place designated by them, from one to four o'clock in the afternoon, to hear appeals from said assessment. They shall have power at* each day to add or decrease any assessment except that of dogs, which shall be always as hereinbefore provided. When the appeal day has passed they shall, without delay, cause the assessment list to be transcribed, and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commissions and delinquencies, which shall be allowed by the Commissioners, to the Treasurer by the first day of September next after the receipt of his duplicate. The Collector shall have the same power for the collection of the said taxes as are conferred by the law on the collectors of county taxes.

Duties of
commission
ers on re-
turn of as-
sessment.

Appeals

Power of
Collector.

SECTION 6. The Commissioners, or a majority of them, shall have the authority to employ the money of the Treasury of the town for the general improvement and benefit and ornament of the said town, as they may deem advisable, and all money paid out by the Treasurer shall be paid upon the order of the Commissioners or a majority of them.

Town mon-
ey, by
whom and
how ex-
pended.

SECTION 7. Any ordinance for the paving or improving of the sidewalks shall apply only to those persons owning the property fronting upon them. who, and who alone, shall bear the expenses of making the payments or other improvements ordered. If such ordinance be not complied with within three months the Commissioners may procure the materials and work to be found and done and collect the expenses of the same, on ten days notice by advertisements posted up at four of the most public places in said town, out of the personal or real estate of the defaulter within the limits of the town. The sale may be made by any one whom they may depute for that purpose, and if the proper notice has been given the sale shall be valid and transfer all the title of the defaulter in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the Treasurer for the use of the town, but if there be any surplus after meeting the claim for which the sale was made, it shall be paid to the defaulter.

Ordinance in
relation to
sidewalks.

*So in enrolled bill.

The Commissioners shall allow reasonable fees for seizing the property and making sale.

Town Alderman.

SECTION 8. The Justice of the Peace resident in the Town of Seaford, holding the oldest commission, shall be the Town Alderman, unless the Commissioners should think proper to appoint some other Justice of the Peace, a resident of said town, who does not hold the oldest commission, who are hereby authorized to make such appointment at their pleasure: and all the provisions of the act of February 11, 1841, 9th volume Delaware Laws, page 349, which appertain to the Alderman of the Town of Dover, shall be applied and extended to him as Town Alderman of the Town of Seaford. The Constable resident in said town, and in case no such officer resides in the town, then the Constable resident nearest thereto, shall be the Town Constable, and all the provisions of the act aforesaid of the Town of Dover shall be applied to him as Town Constable of the Town of Seaford.

Town constable.

Acts in relation to the Town of Dover to be applicable to Seaford.

SECTION 9. All the provisions of the several acts of the General Assembly of this State in relation to the Town of Dover, aforesaid, not inconsistent with this act, may be applied by the Commissioners of the Town of Seaford to the government of that town, and shall have the same effect when so applied, and all proceedings in accordance with them shall be valid in law.

Limits of Town.

SECTION 10. The Commissioners named in the first Section of this Act, in forming and establishing the limits of the Town of Seaford, shall start at a point near the centre of Jacob Williams' mill-dam, near where the old waste-gates formerly stood; thence running northwardly with said mill-dam and the road until a line north, three degrees east, will strike the eastmost corner of Benjamin Stockley's lot, which adjoins a lot of Jacob Williams' on the east of said Stockley's lot; thence running from said road the said course of north three degrees east, through Jacob Williams' lot, touch the eastward corner of said Stockley's lot and through the lands of Charles K. Cannon to the county road leading from Bridgeville to Johnson's Cross Roads, Maryland; thence running in the centre of said county road to the Delaware Railroad; thence with the said Railroad to the Nanticoke River; thence up the said Nanticoke River to Herring Run or Clare Brook Branch; thence up said run or branch with the several meanderings to said Jacob Williams' mill-dam, the place of beginning. The said Commissioners shall not have any power to close any street, lane, or alley, now open in said town, upon which any buildings or improvements have been erected, but shall cause the same to be laid down on the plot required to be returned to the Recorder's office, at Georgetown, by the first Section of this Act.

SECTION 11. The Treasurer, Collector and Assessor shall be severally sworn or affirmed to discharge their respective duties with fidelity, and the Collector and Treasurer shall give bond for such an amount as the Commissioners may require, not to exceed double the amount of what probably may pass in their hands as such officers.

SECTION 12. In case of necessity, the Alderman or Commissioners are hereby authorized to appoint a special Constable or Constables to execute any duties required to be performed by the Town Constable, and he or they shall act in the discharge of such duties under the penalty of ten dollars, to be imposed by the Alderman or Commissioners and collected as other fines.

SECTION 13. The power and authority of the Commissioners or their successors appointed under and by virtue of an act entitled, "An act to authorize Commissioners to repair a public wharf at the village of Seaford," passed at Dover, February 12, 1852, shall cease after the passage of this act, and they shall, after ten days notice, pay over to the Town Commissioners all the moneys and effects in their hands held under and by virtue of the aforesaid act, and the Town Commissioners shall place the same and such other rents and profits arising hereafter from said wharf into the general funds of said Town of Seaford, and the said Town Commissioners hereby have all the power, authority and privileges vested in the Commissioners or their successors by the act aforesaid.

SECTION 14. The Commissioners shall have power to appoint a Town Clerk, who shall keep a record of the proceedings of the Commissioners, and the same shall be evidence.

SECTION 15. The Commissioners named in this act, or their successors, shall have no power to tax any unimproved property within the limits of said town, unless it should be for the actual improvement of the property.

Passed at Dover, March 15, 1865.

CHAPTER 542.

An act authorizing the Columbia and Port Deposit Railroad Company, incorporated by the States of Pennsylvania and Maryland, to extend their road from some point of the State line of Maryland to the Delaware River or Bay.

Preamble.

WHEREAS the Legislature of the State of Pennsylvania has incorporated a railroad company under the name, style and title of "The Washington and Maryland Line Railroad Company," with power to construct and operate a railroad from Columbia to the State line of Maryland, and by an act of the Legislature of the said State of Pennsylvania, approved the 4th day of April, A. D. 1864, authorized the aforesaid Company to change the corporate name thereof to "The Columbia and Port Deposit Railroad Company;" and the said Company has so changed said corporate name, and

WHEREAS the General Assembly of the State of Maryland has, by an act passed January session, A. D. 1858, and re-enacted January session, A. D. 1864, incorporated a railroad company under the name, style and title of "The Columbia and Port Deposit Railroad Company, with power to construct a railroad from the State line of Pennsylvania to the village of Port Deposit in the State of Maryland, and to connect the said railroad with any railroad running to the said State line of Maryland authorized by the State of Pennsylvania, and by said re-enactment empowered the said Railroad Company to make branch or lateral roads to the Chesapeake Bay, or any arm or tributary thereof, and to connect with any railroad adjacent thereto, and to unite and consolidate with "The Columbia and Port Deposit Railroad Company" of Pennsylvania, so that the said corporations shall constitute and form one body corporate, and

WHEREAS said union and consolidation has been made and entered into by said Companies, and the said consolidated Company, now acting under the name, style and title of "The Columbia and Port Deposit Railroad Company," deem it to be their interest to have access to the Delaware River or Bay, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* "The Columbia and Port Deposit Railroad Company," mentioned in the preamble to this act be, and they are hereby authorized and empowered to construct and operate by steam power, or otherwise, a railroad with one or more tracks, leading from some point of the State line of Maryland, to some point on the Delaware River or Bay at or near Mahon River in Kent County, and may connect their said road with any railroad that is now made, or may be hereafter made, in this State. *Provided, how-*

Columbia and Port Deposit R. R. Co. may construct railroad from some point on Maryland line to some point at or near Mahon River.

ever, That said Road shall not be located to any point on the waters of the Bay or River Delaware, or any of the streams emptying therein which have been designated by any grant or charter heretofore enacted by the Legislature of this State to any person or company of persons, except by agreement with, and on such terms as may be satisfactory to the party or parties having priority of right to such location by reason of such acts of Legislature as aforesaid; and *Provided further*, That the said Railroad shall be commenced within three years from the passage of this act, and the work continued to completion within the period of five years from the time aforesaid. *Provided*, That the said The Columbia and Port Deposit Railroad Company shall not construct their Railroad within New Castle County, between the waters of Appoquinimink Creek and those of the Christiana River, or within a distance from the New Castle and Frenchtown Railroad, on each side thereof, as great as the mouth of the said Appoquinimink Creek and of said Christiana River is from said Railroad at the Town of New Castle, without first obtaining the written consent of the said The New Castle and Frenchtown Railroad Company.

When said road shall be commenced and completed. Further proviso.

SECTION 2. *And be it further enacted*, That the said Railroad shall be so located and constructed as to do the least damage to private property, having due regard to the public convenience, the interest of the Company, and to the situation and nature of the ground, and of the buildings thereon; and when it shall be necessary in the construction of said road to cross or intersect any established roadway, it shall be the duty of said Company so to construct said Railroad across such road or way as not to impede the transportation of persons and property along the same.

What to be observed in locating and constructing said road.

SECTION 3. *And be it further enacted*, That the said Company shall have authority to do all acts that are necessary to construct and operate their road, and to that end may use their funds to make contracts, under the seal of the Company and the hand of its President, which shall bind all its property and estate of whatever kind; to make all appointments of officers and employees, fix their compensation, purchase real estate, materials and rolling stock of whatever kind, for the construction, equipment and operating of their said road.

Powers of Company.

SECTION 4. *And be it further enacted*, That in case any land as may, in the opinion of the said Company be necessary for the location of said road or use of said Railroad Company, cannot be obtained by purchase, the Company may apply by petition to the Superior Court of the County in which said land is located, or to any judge thereof in vacation residing in said county, first giving the other party five days notice in writing of such application, (if the owner resides within the State,) and the said

Condemnation of lands for road—how procured.

Freeholders
to be sworn.
By whom.

Their duties.
Report.

Confirmation
of report—
effect of.

Fees—by
whom paid.

Passage,
freight and
tolls.

Company
may mort-
gage road.

Court or Judge shall appoint five judicious and impartial freeholders to view the premises, which said Company may require as aforesaid, and to assess the damages, if any, which the owner or owners thereof will sustain by reason of said Railroad passing through the same, over and above all the benefits, if any, which will accrue to such owner or owners by the construction of said Railroad. The said five freeholders shall be sworn before some Judge, Justice of the Peace, or Notary Public, faithfully and impartially to perform the duty assigned them. They shall give ten days written notice to the owner or owners of the property, if he, she, or they reside within the State, and to the President of the Company, of the time of meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said Railroad Company, and they shall make report in writing, under their hands, or the hands of majority of them, to the term of the Superior Court of the County in which the said land is situated next after their appointment, and the said Court may either confirm the said report or appoint five other judicious and impartial freeholders to perform said duty in manner aforesaid.

SECTION 5. *And be it further enacted,* When judgment of confirmation is rendered by said Court, or any report made by the Commissioners as aforesaid, then, upon the payment by said Railroad Company of the amount of damages assessed to the owner or owners of said property, or deposited in the Farmers' Bank of the State of Delaware at Dover for their use, the title to the land and premises mentioned and described in said report shall be absolutely vested in said Company, their successors or assigns. The fees to Commissioners and Prothonotary on any such proceeding shall be determined by the said Court and be paid by the said Company.

SECTION 6. *And be it further enacted,* That the said Company shall have the sole control of transporting passengers and freight on the said road, and shall have the right to make and receive such charges as to them may seem reasonable for the same. *Provided,* That the said Company shall not be entitled to exact or receive any tolls exceeding three cents per ton per mile on all goods, merchandise, or property of any description whatsoever, and also not exceeding three cents per mile for any passenger they may transport over the said Railroad in the State of Delaware.

SECTION 7. *And be it further enacted,* That the said Company may, under the hand of its President, attested by the Secretary, with the corporate seal of the said Company affixed thereto, enter into, execute and deliver a mortgage or mortgages for such amounts as they may deem advisable on all or any part of their road, roadbed, lands, depots, turnouts, switches, real and personal

property of whatsoever kind, rights privileges and franchises, specifying in said mortgage or mortgages the property bound by the same, a copy of which shall be recorded within thirty days after the execution thereof in the Recorder's office in the county or counties in which said property is located. Mortgage to be recorded. Where.

SECTION 8. *And be it further enacted,* That the said Company shall have the power to make wharves, docks, piers, or such other works as may be necessary for loading and unloading cars, boats or vessels, and shall have the privilege to extend their works to deep water in the Delaware River or Bay, so however as not to impede the navigation of the same. Power to make wharves, &c.

SECTION 9. *And be it further enacted,* That if any person or persons shall wilfully and knowing break, injure, or destroy the Railroad authorized to be constructed by this act, or any part thereof, or any device, edifice, property or work, or any part thereof, or any machinery, engine, car, implement or utensil erected, owned or used by this Company, he, she, or they so offending shall forfeit and pay to the Company three times the actual damage so sustained, to be sued for and recovered with full costs before any tribunal having cognizance thereof. Penalty for injury to works of Company.

SECTION 10. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and may be given in evidence in all suits at law or in equity, in any case in which the said Company is party thereto. Public act.

SECTION 11. *And be it further enacted by the authority aforesaid,* That the passenger tickets and freight bills of said road shall be liable to the same taxation or other imposts that may hereafter become necessary to be levied for State purposes on other railroads now in operation within this State, or which may hereafter be incorporated within said State, and no more. Tax on tickets and freight bills.

SECTION 12. *And be it further enacted by the authority aforesaid,* That said Company shall put up, and at all times during the continuance of their charter, keep in good repair a good fence on each side of their said road, and in default of so doing the said Railroad Company shall be liable for all damage done to stock on their said road. *Provided, however,* That whenever the said Railroad Company shall cease to use the right of way for the purposes enumerated and mentioned in this act, the same shall again revert to the former owners or the representatives of such owners. Company to keep a good fence on each side of said road. Proviso.

Passed at Dover, March 15, 1865.

CHAPTER 543.

An Act to authorize the State Treasurer to convert the Bonds of the Philadelphia, Wilmington and Baltimore Railroad Company into the stock of said Company.

State Treasurer to convert the bonds held by State against the Philadelphia Wilmington & Baltimore Railroad Company into stock of said Company. Certificates of said stock where deposited.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the bonds held by this State against the Philadelphia, Wilmington and Baltimore Railroad Company be converted into the stock of said Company according to the terms expressed in said bonds, and for that purpose the State Treasurer be, and he is hereby authorized and directed to deliver the said bonds to the said Company on receiving from it a certificate or certificates of the stock of said Company, in due form, for an amount equal to the exchangeable value of said bonds. And when said certificate or certificates shall be received as herein provided for the State Treasurer aforesaid shall immediately deposit them in the Farmers' Bank, at Dover, in the name of the State, and take and preserve the receipt of the Cashier of the said Bank for such deposit.

Dividends of stock, how applied.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the dividends arising from the stock issued in pursuance of the provisions of the first Section of this Act shall be applied in the same manner as the interest, heretofore received from the bonds aforesaid, was applied, until otherwise directed by this State.

Passed at Dover, March 15, 1865.

CHAPTER 544.

An Act to make part of a certain Public Road in Pencader Hundred, New Castle County, a charge upon the said County.

Part of a certain road in New Castle County to be a charge on said County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* so much of the public road leading from the New Castle and Frenchtown Turnpike road, passing through the Eastern part of Pencader Hundred to the Elkton and Christiana Turnpike road, as crosses

over the mill dam known as "McCrone's Mill," be, from and after the passage of this act, a county charge, and the Levy Court of the said County of New Castle are hereby required to keep said portion of said road in good repair and safe for the public travel at the expense of the said County.

Passed at Dover, March 15, 1865.

CHAPTER 545.

An Act to amend an Act entitled, "An Act to provide for the 12 Vol. p. 78.
Idiotic Children of the State of Delaware," passed at Dover,
February 22, A. D. 1861.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* Sec. 2, of Chapter 53, Volume 12, amended.
That Section 2 of the act entitled, "An act to provide for the Idiotic Children of the State of Delaware," be amended by striking out the word "twelve," in the tenth line of said Section, How. and inserting in lieu thereof the word "sixteen."

Passed at Dover, March 15, 1865.

CHAPTER 546.

An Act to Punish all Persons engaged in Prize Fighting.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Prize Fighting.
it shall not be lawful hereafter for any person or persons within the limits of this State, to promote, encourage, aid in, assist at, be engaged in, or hold the stakes to be paid on the determination of any prize fight between men, wherein or on the result of which any sum of money or thing of value is bet, or wagered, or dependent.

Penalty.

SECTION 2. *And be it further enacted,* That whoever shall offend against the provisions of the preceding Section shall be guilty of a misdemeanor, and upon conviction thereof by the Court of General Sessions of the Peace and Goal Delivery of this State, shall be fined the sum of Five Hundred Dollars, and be imprisoned for not more than ten years, and not less than one year, in the discretion of the said Court.

Passed at Dover, March 15, 1865.

CHAPTER 547.

An Act to Vacate certain Roads within the limits of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

Part of the
Wilmington
and Kennett
turnpike va-
cated.

SECTION 1. That all that part of the Wilmington and Kennett Turnpike Road lying within the limits of the City of Wilmington be and the same is hereby vacated. *Provided however,* That no owner or occupant of real estate shall thereby be deprived of a public road, and that no portion of the said part of the Wilmington and Kennett Turnpike Road hereby vacated shall be closed before such public streets as may be necessary for the public convenience shall have been opened in the vicinity thereof.

Road called
Miller's
Lane in said
city vacated.

SECTION 2. That a certain road in the said City, extending from a certain point on the Wilmington and Kennett Turnpike Road to Riddle's Road, and called Miller's Lane, or Gilpin's Lane, be and the same is hereby vacated.

Who shall
be owners of
vacated
road.

SECTION 3. The roads hereby vacated shall belong to and become the property of the respective owners of real estate adjacent thereto, each of the said owners having respectively the ownership therein the width of his front to the middle line of the road.

Passed at Dover, March 15, 1865.

CHAPTER 548.

An Act to Prevent Swine from Running at Large within Dover Hundred, Kent County.

WHEREAS the existence of sundry laws to restrain swine from running at large within certain portions of Dover Hundred, causes great inconvenience to the owners of swine outside of the limits so protected, imposing great additional expense in the fencing of their lands while they are so surrounded by District Hog Laws that they cannot let their hogs run at large without the danger of their going into prohibited limits and being impounded and running their owners to considerable expense to recover the possession of them again, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the provisions of Sections 4, 6 and 7 of Chapter 58 of the Revised Code shall apply and extend to the entire limits of the whole of Dover Hundred, and that all other laws now existing within the said hundred to restrain swine from running at large in certain sections and portions thereof, be and the same are hereby repealed.

Sections 4, 6, and 7 of Chapter 58, Rev. Code, concerning swine, to apply to Dover Hundred. What law repealed

Passed at Dover, March 15, 1865.

CHAPTER 549.

An Act to amend Chapter 4 of the Revised Statutes of the State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Section 1 of Chapter 4 of the Revised Statutes of the State of Delaware be amended by striking out of the third and fourth lines of said Section the words "fifteen hundred." and inserting in lieu thereof the words "three thousand."

Rev. Code, 5.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said Chapter be further amended by striking out all of Section 2, and inserting in lieu thereof the following:

Rev. Code, 5.

SECTION 2. The Laws, when printed as directed in the fore-

going Section, shall be distributed by the Secretary of State, as follows: One thousand one hundred copies to the Prothonotary of New Castle, seven hundred copies to the Prothonotary of Kent, and eight hundred copies to the Prothonotary of Sussex Counties; one to the President of the United States; one to each of the departments of the General Government; two to the Library of Congress; one to Delaware College; one to St. Mary's College; three to the Executive of each of the United States; retain three hundred in the office of the Secretary of State, (for the purpose of being bound into suitable volumes,) and the residue to the State Library.

Passed at Dover, March 15, 1865.

CHAPTER 550.

An Act to authorize James A. Martin and James F. Sipple to change a Public Road in Milford Hundred, Kent County.

James A. Martin and James F. Sipple empowered to change a public road in Milford Hundred.

Course of new road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That James A. Martin and James F. Sipple, from and after the passage of this act, shall have power and authority, and they are hereby authorized and empowered to lay out, make and straighten a certain public road in Milford Hundred, in Milford Neck, in the following manner: that is to say. Beginning at a corner of lands of James F. Sipple on the public road leading from Frederica to the Methodist Episcopal Church in Milford Neck, running in an eastwardly direction on the dividing line of the lands of James F. Sipple and James A. Martin to a corner of lands of the aforesaid James F. Sipple in the aforesaid public road; and the aforesaid alteration or change in the public road shall not extend beyond the lands of the aforesaid James F. Sipple and James A. Martin.

The change to be made at their expense.

When completed to be a public road.

SECTION 2. *And be it further enacted,* That the aforesaid James A. Martin and James F. Sipple shall make and lay out at their own proper cost and charge, the said road, and put the same in good order, making the said road of the width required by law, and after the said road is made, opened, and put in good order as aforesaid, that then and from thenceforth the said road shall be repaired and keep up at the public expense as other roads in said County.

SECTION 3. *And be it further enacted*, That after the said road shall have been laid out and opened and made as aforesaid, it shall and may be lawful for the same James A. Martin and James F. Sipple to stop up the old public road which crosses the land of the aforesaid James A. Martin, beginning at the corner of lands of James F. Sipple, and running in an easterly course to a corner of lands of James A. Martin in the public road as aforesaid, and the old road is hereby declared to be vacated. And this act shall be deemed and taken to be a public act.

Old road vacated.
When.

Public act.

Passed at Dover, March 16, 1865.

CHAPTER 551.

An Act requiring a License for the Carrying on the Business of Opening Oysters for the purpose of Exportation from this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That every person, or company of persons, engaged or hereafter becoming engaged in the business of opening oysters in this State for the purpose of exportation from this State, shall take out a license for the privilege of carrying on such business when it amounts to more than five hundred dollars of capital employed.

Every person opening oysters for transportation, when such business amounts to more than \$500, shall take out license.

SECTION 2. *And be it further enacted as aforesaid*, That on and after the first day of June next, after the passage of this act, every person or company of persons who intend to carry on the business aforesaid for the purpose of exportation from this State, and to employ in such business a capital of at least five hundred dollars, shall apply for and obtain from the Clerk of the Peace, in the county where such business is to be carried on, a license for carrying on the business as aforesaid, which license shall be granted by the Clerk of the Peace, for the term of one year from the date of said license, upon his paying him, for the use of the County in which said business is carried on, the sum of thirty dollars; and if any person, or company of persons, after the first day of June next, carry on the business aforesaid within this State without having obtained a license therefor, such person, or company of persons, shall, in addition to the payment of the duty before mentioned, forfeit and pay the sum of two hundred dollars, with full costs of prosecution, to be recovered by indictment in

Application to be made to the Clerk of the Peace of the county where said business is carried on for license.

Limitation.

Fee for license.

Penalty.

License not to authorize the carrying on such business in more than one place at same time.

Penalty.

any Court of General Sessions of the Peace and Jail Delivery in this State; and no such license shall authorize the carrying on said business at more than one place at the same time; and any person, or company of persons, who by color of such license shall carry on the business aforesaid at more than one place at the same time, shall be deemed to be without license and shall forfeit and pay the like sum of two hundred dollars, with full costs of prosecution, in addition to the duty as aforesaid, to be recoverable as hereinbefore directed.

Clerk of Peace on receiving money for license to pay the same over to County Treasurer.
Treasurer to place the same to credit of the county roads.
Fee to the Clerk of the Peace.

SECTION 3. *And be it further enacted as aforesaid,* That it shall be the duty of the Clerk of the Peace receiving money for license as aforesaid, to pay the same over to the County Treasurer, (after deducting two per centem as his fees for collecting and paying over the same) within thirty days after receiving the same: and the said County Treasurer shall place the same to the credit of the roads in the county where such license are granted.

SECTION 4. *And be it further enacted as aforesaid,* That the fee of the Clerk of the Peace for issuing said license shall be one dollar and fifty cents, to be paid by the person obtaining it.

Collectors to demand the person or Company to show their license.
If they fail the Collector to report to Attorney General.

Penalty for his neglect.

SECTION 5. *Be it further enacted as aforesaid,* That it shall be the duty of the Collector of Taxes in the Hundred where such business is carried on, to go to the person, or company of persons, having such business carried on, and demand a show of his license, and if he fail or neglect to show said Collector of Taxes his license, the said Collector shall report the fact to the Attorney General, at least ten days before the then next sitting of the Court of General Sessions of the Peace and General Jail Delivery in the County where such business is carried on. Upon failure of the Collector to perform his duty, he shall forfeit and pay a fine of thirty dollars, with costs of prosecution, to be recovered by indictment in any Court of General Sessions of the Peace and Jail Delivery in this State.

Certain monies to be paid over to the commissioner of Seaford.

Said money how expended.

SECTION 6. *And be it further enacted as aforesaid,* That all monies now in the hands of the County Treasurer of Sussex County, due to the Commissioners, or in the hands of the Commissioners appointed under and by virtue of an act entitled, "An act relating to the exportation of oysters from this State," passed at Dover, February 3, 1864, that has not been expended by said Commissioners according to the provisions of the fourth Section of said Act, be paid over by the said County Treasurer or the said Commissioners to the Town Commissioners of the Town of Seaford, to be expended by them towards the improvement of the streets in said town that is not now kept up at the expense of Sussex County or Northwest Fork Hundred. That upon the neglect or failure on the part of the party or parties having such money in hand to pay the same over to the said Town Com-

missioners within thirty days after a demand is properly made, the parties so holding said money shall forfeit and pay, for the use of the said Town of Seaford, double the amount that is proved to be in their hands, to be recovered as a debt in a civil action. Penalty for neglect.

SECTION 7. *Be it further enacted as aforesaid,* That the act hereinbefore referred to, entitled, "An act relating to the exportation of oysters from this State," passed at Dover, February 3, 1864, be and the same is hereby repealed, made null and void on and after the first day of June next. Act of Feb. 3, 1864, repealed.

Passed at Dover, March 16, 1865.

CHAPTER 552.

A further Supplement to an act entitled, "An act to incorporate the Trustees of the Home for Friendless and Destitute Children in the City of Wilmington." Del. Laws, 12th Vol. 320.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two-thirds of each branch of the Legislature concurring herein,) That the Trustees of the Home for Friendless and Destitute Children, may, in their discretion, bind any child placed under their care and management to a person residing in either of the States of Pennsylvania or Maryland; such binding may be made either according to the forms and requirements provided by the laws of this State for the time being, or according to the forms and requirements provided by the laws of the State in which the person taking such minor as an apprentice shall reside, as may be deemed by the Trustees most expedient in the particular case. To whom Trustees may bind children. What laws to be observed.

The provisions of Section 20 of Chapter 79 of the Revised Code of this State shall not apply to any binding made pursuant to this supplement according to the forms and requirements prescribed by the laws of either of the beforenamed States. Sec. 20, of Chapter 79, Rev. Code, not to apply.

Passed at Dover, March 16, 1865.

CHAPTER 553.

11 Vol. 118. *An Act to amend an act entitled, "An act to Promote the Education of the Deaf and Dumb and the Blind," passed at Dover, March 4th, A. D. 1835.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Sec. 3, of
Chapter 119,
of Vol. 11,
amended.

How.

That Section 3 of the Act entitled, "An act to promote the Education of the Deaf and Dumb and the Blind," be amended by adding in the third line of said Section, after the word "President," the words "or Treasurer," and also further amend said Section by striking out, in the ninth and tenth lines, the word "fourteen," and insert in lieu thereof the word "eighteen."

Passed at Dover, March 16, 1865.

CHAPTER 554.

An Act to Prevent the Loading of Gunpowder within certain distances of Railroads.

(Gunpowder
not to be
loaded into
cars within
certain dis-
tance of reg-
ular track.

Penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall be unlawful for any person or persons to load gunpowder of any kind into cars on any railroad in this State, within one hundred yards of the bed of the regular track used in carrying passengers, and upon conviction of any person engaged or participating in any way in loading or putting gunpowder of any kind into cars standing within one hundred yards of the regular bed of any railroad engaged in carrying passengers in this State. he shall forfeit and pay to the State a fine of one thousand dollars, and may be imprisoned for the term of six months, at the discretion of the Court.

SECTION 2. *And be it further enacted,* That this act shall not take effect until the first day of September next.

Passed at Dover, March 16, 1865.

CHAPTER 555.

An Act to change the Location and Straighten a certain Public Road hereinafter mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* James Davis, Daniel Mitten and Joshua H. Hill be, and they are hereby appointed to go upon the public road leading from a place known as the "Savannah Church" eastwardly out to the public road leading from Milford to Frederica, in Milford Hundred, Kent County, as follows: Beginning at a point in said road, opposite the outgate of a farm of the Potter estate, known as the "Tan Yard Farm," and if in the judgment of the aforesaid Commissioners there is a need of a change or new road leading out to the road leading from Milford to Frederica, then the aforesaid Commissioners shall employ some skillful surveyor and lay off so much of the aforesaid road leading to the road from Milford to Frederica, and the same shall be a public road when accepted by the Levy Court of Kent County; and the cost of opening and making the aforesaid road shall be borne by the parties whose lands the road passes through.

Commissioners to view public road from Frederica to Milford.

If deemed proper to change.

Acceptance.

Costs of opening.

SECTION 2. *And be it further enacted, That* before the aforesaid Commissioners enter upon their duties they shall be severally sworn or affirmed to do their duty with fidelity; and if they should lay out a road, then they shall cause a plot to be made out, the same to be returned to the Clerk of the Peace, to be laid before the Levy Court of Kent County for their approval, and the aforesaid Commissioners shall be paid one dollar each for each day they may be employed in laying out the aforesaid road.

Commissioners to be sworn.

Plot.

Compensation.

Passed at Dover, March 16, 1865.

CHAPTER 556.

An act to authorize the Register of Wills, in and for New Castle County, to procure a New Seal of Office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Robert C. Fraim, Register for the Probate of Wills, &c., in and

Register of New Castle to procure new seal.

Description.
When com-
pleted, how
to be used:

for New Castle County, be and he is hereby authorized to procure a new seal for his office, to be made of brass, of the diameter of one and a half inches, and engraved with the devices of the present seal; which said seal, when completed, shall be taken and deemed to be the seal of the Register's office of New Castle County, in the State of Delaware, and shall thereafter be fixed to all writings, papers and records where the seal of said office is required; and the present seal shall then be broken and destroyed by the said Register.

Levy Court
to pay ex-
penses.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the Levy Court and Court of Appeals of New Castle County shall pay the necessary cost and expenses of procuring the said new seal.

Passed at Dover, March 16, 1865.

CHAPTER 557.

An act authorizing the Secretary of State to collect the sum of Two Dollars for issuing Military Commissions.

Fee of \$2.00
for military
commissions

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Secretary of State shall be entitled to receive the sum of two dollars for every military commission issued by him, and he is hereby authorized and empowered to collect the same from every person to whom such commission shall be issued.

Passed at Dover, March 16, 1865.

An Act to incorporate the Diamond State

SECTION 1. *Be it enacted by the Senate and Representatives of the State of Delaware in General Assembly met, That Benjamin T. Biggs, Albert S. Johnson, A. Thomas Clayton and John A. Hurlock, and as may hereafter be associated with them for the purpose of manufacturing chemical and concentrated fertilizers in New Castle County, shall be and are hereby organized and declared to be a body politic and corporate by the name of "The Diamond State Chemical Company," and by that name they and their successors and assigns shall and may have continued succession for twenty years and no longer, and be capable to sue and be sued in courts of law and equity; to purchase, take, hold, enjoy, sell and alien lands, tenements, hereditaments, goods, chattels and effects of every nature and description which may be necessary for, connected with, or conducive to the purpose of manufacturing chemical and concentrated fertilizers; and to have a common seal, and to ordain by-laws for their own government not repugnant to the Constitution and Laws of the United States or of this State, and to enjoy the privileges and franchises incident to a corporation. *Provided always,* That the said Corporation shall not have nor exercise any banking powers whatever, and that the capital stock of the Company shall not exceed one hundred thousand dollars.*

SECTION 2. *Be it further enacted as aforesaid,* That the business and concerns of the said Corporation shall be managed by five Directors, who shall be Stockholders, and shall be elected at each annual meeting of the Stockholders, which shall be on the second Tuesday of May in each and every year after the passage of this act. The Directors shall continue in office until the next succeeding annual meeting and until successors shall be duly chosen. They shall be elected by ballot by the Stockholders, in person or by proxy, who shall have a vote for every share of stock by them respectively held, and a majority of votes given shall be necessary to a choice. If any Director shall cease to be a Stockholder he shall *ipso facto* cease to be a Director, and the concern of the Company shall be managed by the remaining Directors till the vacancy be filled. If from any cause the annual meeting in any year shall not be held, or if vacancies shall at any time exist in all the offices of Directors, or if such Directors shall not be chosen at the annual meetings of the Corporation, the Corporation shall not cease to exist, but in case of vacancies in all the offices of Directors, the affairs of the Company shall be managed by such persons as may be provided for in the by-laws of the Company. The Directors shall choose one of

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choose Pres. their
deat. His power.
perf
Di
Pres. Di-
rectors.

able.
by.

Corporate
powers.

Proviso.

Business, by
whom man-
aged.

Election of
Directors.

Their term
of office.

Voting.

Director
must be a
stockholder.

In case an-
nual meet-
ings are not
held, &c.,
corporation
not to cease.

Directors to

for number as President, who shall have such powers and perform such duties as may be provided by the by-laws. The Directors, until the first annual meeting after this act shall go into operation, and until others shall be duly elected and shall act, shall be Benjamin T. Biggs, Albert S. Johnson, Robert Berkley Fitz, Thomas Clayton and John A. Hurlock.

SECTION 3. Be it further enacted as aforesaid, That all by laws shall be made and approved by the Stockholders at their annual meetings, or at special meetings called by the Directors upon due notice, and the Directors herein named and appointed, and their successors, are hereby authorized to call such special meetings, giving due notice thereof, as the interest of the corporation may require.

SECTION 4. Be it further enacted as aforesaid, That the Directors shall at all times keep or cause to be kept proper books of accounts in which shall be regularly entered all transactions of the said Corporation, which books shall be subject at all times to the inspection of the Stockholders; and the Directors shall once in every year take an account of the stock, property and effects belonging to said Corporation, and of all debts owing by or to the Corporation, and make a record thereof in a book to be kept for that purpose, and exhibit the same to the Stockholders at their annual meetings. No Director shall have any emolument, except such as shall be allowed by the Stockholders at their annual meetings, or be prescribed by their by-laws.

SECTION 5. Be it further enacted, That the shares of the capital stock shall be one hundred dollars each, and be personal property, and shall [be] created, evidenced, certified, held and arranged, and be assignable as shall be prescribed by the by-laws of the corporation.

SECTION 6. Be it further enacted, That the capital stock shall be paid in such manner, and in such installments and at such times as the Directors shall appoint, and the same shall be liable to be forfeited, as may be prescribed by the by-laws of the corporation.

SECTION 7. Be it further enacted, That this act shall be deemed and taken to be a public act, and the power is hereby reserved to the Legislature to revoke this act of incorporation.

Passed at Dover, March 16, 1865.

An Act to incorporate the Kent County Railroad Company, in this State.

WHEREAS by the act of the General Assembly of the State of Maryland, passed on the eighth day of March, in the year 1856, Chapter 148, entitled, "An Act to incorporate the Kent County Railroad Company," the said Company was incorporated; Preamble. AND WHEREAS by the act of the General Assembly of the State of Maryland, passed on the tenth day of February, in the year 1864, Chapter 29, entitled, "An Act to repeal the twelfth Section of an act to incorporate the Kent County Railroad Company, passed on the eighth day of March, eighteen hundred and fifty-six, Chapter one hundred and forty-eight, to add four new sections thereto, and to appoint four new Commissioners in the place of four deceased Commissioners," the said Kent County Railroad Company was authorized to locate and construct a railroad from the waters of the Chesapeake Bay, in Kent County, or from some point on Chester River, in said County, to the line or boundary line of the State of Delaware; AND WHEREAS the said Kent County Railroad Company desire to extend the said Railroad within the limits of this State, so as to unite the same with the Delaware Railroad at some point on the line of said Railroad, not more than four miles from the place called Townsend, and to obtain authority therefor from the General Assembly of this State, Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the subscribers to the stock of "The Kent County Railroad Company," their successors and assigns, shall be and they are hereby incorporated by the name, style and title of "The Kent County Railroad Company," by that name shall have perpetual succession, and be capable, in law, of purchasing, receiving, holding, using, selling, leasing, mortgaging and conveying goods and chattels, lands, tenements and hereditaments, and all estate Corporate powers. real, personal and mixed of what kind or quality soever; may sue and be sued, plead and be pleaded in all Courts of this State; may make, have and use a common seal, and the same may alter and renew at pleasure, and may also ordain, establish and enforce such by-laws and regulations as they shall deem necessary for the government of said corporation not repugnant to the Constitution and Laws of this State and of the United States, and generally may do all and singular the matters and things, and exercise and enjoy all rights, powers and privileges which, together, may properly appertain for the well being and ordering of the said corporation. *Provided, That nothing herein* Provide. contained shall be construed as in any way giving to the said

corporation any banking privileges whatsoever, or any other powers or privileges than such as are necessary or incident to the making and proper management of the Railroad mentioned in this act.

Company
authorized
to extend
road.

Route.

May enter
upon land.

SECTION 2. *And be it enacted*, That the said Kent County Railroad Company be and they are hereby authorized and empowered to extend and construct their said Railroad within the limits of the State of Delaware, from the point on the line dividing the States of Maryland and Delaware where the said railroad shall be located by the said Company to the Delaware Railroad, at any point not more than four miles from the place called Townsend on said road, which they may deem advisable, and by such route or routes as they may deem most eligible, and for that purpose may enter upon any land necessary for locating, laying out, or making the same or any part thereof, or to procure land, gravel, earth, wood or timber for such use, and to obtain the right or title to the same as hereinafter provided.

Condemna-
tion of lands.

Commission-
ers appoint-
ed, to assess
damages.

When.

Party dissat-
isfied to have
writ of *ad*
quod dam-
num.

On paying
the damages
assessed, the
Company to
have the
land.

SECTION 3. *And be it enacted*, That the President and Directors of said Company may agree with the owner or owners of any lands, earth, gravel, timber or other materials, or any improvements for the construction or repair of any of said road or its works, for the purchase or use and occupation of the same, and in case they cannot agree, upon application made by the Company for this purpose, the Judges of the Superior Court of Kent County or New Castle County in this State in term time, or any one judge thereof in vacation, shall appoint five Commissioners, and whenever it shall be necessary for the said Company to enter in and upon and occupy for the purpose of making said railroad any lands upon which the same may be located, if the owner or owners of said land shall refuse to permit the entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, the said Commissioners, on being notified by the said Company, shall go upon the said land and assess the damages of such owner or owners, on oath or affirmation, fairly and impartially, and the said Commissioners shall certify their finding and award to both parties; but if either party be dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court in and for the county where the land lies, within thirty days after such assessment, sue out a writ of *ad quod damnum*, requiring the Sheriff, in the usual form, to inquire of twelve impartial men of his bailwick of the damages as aforesaid, and their report shall be final. The said Commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land so to be taken and used as aforesaid; whereupon the Company upon paying the damages so assessed, shall become

entitled to have, hold, use and enjoy the said lands for the purposes by them required forever. And in case any owner of lands necessary for the purposes of said Company shall be a minor or non-resident, or for any cause incapable of receiving or unwilling or neglecting to receive said damages, or to call upon the said Company for the same, the said Company may deposit the amount of the said damages to the credit of such owners in the Bank of Smyrna, subject to his, her, or their order, whereupon the said Company shall be entitled to have, hold, use and enjoy the said lands and premises required for the purposes of said Company for or on account of which damages shall have been so assessed. And in case of the death of any such Commissioners, the Governor shall appoint another to fill any such vacancy. The expenses of the assessment by the said Commissioners shall always be paid by the said Company.

Vacancies in
Commission-
ers—how
filled.
Expenses
—how paid.

SECTION 4. *And be it enacted*, That it shall be the duty of said Company to construct and keep in repair, good and sufficient passages across said railroad where any public road shall intersect and cross the same, so that the passage of any carriages, horses [or] persons shall be unobstructed; and likewise, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage across the said railroad, for the use of said farm, and that the said Company be authorized to aid in the construction of any roads or bridges not connected directly with their said road, but for the purpose of bringing business thereto, either by subscription to stock or otherwise. It shall also be the duty of the said Company, whenever the said railroad shall pass through any enclosed land, to fence the same on each side of the line of the said railroad, so that the lands shall not be exposed and thrown open by reason of the said railroad passing through the same, unless by the agreement of the Company and the owner or owners thereof the former shall be released from the duty of fencing as aforesaid.

Crossings.

Fencing.

SECTION 5. *And be it enacted*, That on the completion of the said railroad or any section thereof, it may be lawful for the said Company to demand and receive for tolls and transportation of all goods, produce, merchandise, or property of any kind, and for the transportation of passengers, such sum or sums of money as they shall from time to time think reasonable and proper.

Tolls and
transporta-
tion.

SECTION 6. *And be it enacted*, That if any person or persons shall wilfully or knowingly break, injure or destroy the railroad or any part thereof to be erected by the said Company in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they shall forfeit and pay to the said Company three times the actual damages so sustained, to be sued for and recovered with costs of suit before any Justice of the Peace, or in any court having cognizance

Injuries to
road.

thereof, by action of debt or on the case, in the name and for the use of the said Company.

Power to
hold real
estate.

Survey.

SECTION 7. *And be it enacted*, That the said Company shall have full power to purchase and to hold all real estate necessary for the purposes of the said railroad or any of their works, and to buy and build houses and shops for corporate purposes, and when the final survey of any part or parts of said road shall be made by the Company's engineer such survey shall be recorded in the Recorder's office of the County where the land surveyed is situated, and the record thereof shall be evidence of the route and limits of said road.

Company
may connect
their road
with Del.
R. R.

SECTION 8. *And be it enacted*, That the said Kent County Railroad Company shall have the right to connect their said road with the said Delaware Railroad upon the terms agreed upon [by] the said Companies, and from and after the period when such connection shall be formed as aforesaid, it shall be the duty of the said Companies to grant every facility for the transmission and transportation of passengers and freight coming from one road to the other, and upon the same terms and conditions, in all respects, that may be extended to their own passengers and freights respectively.

Revocation.

SECTION 9. *And be it enacted*, That in case the said Company shall at any time abuse the privileges hereby granted, and shall be lawfully convicted of such abuse, the Legislature shall have the power to amend or revoke this act, and to modify or annul the privileges herein conferred upon the said Kent County Railroad Company.

Union with
Del. R. R.
and other
companies.

SECTION 10. *And be it further enacted*, That the President and Directors of said Company are hereby authorized and empowered to form a union with the Delaware Railroad Company, and with such Companies as the Delaware Railroad Company are authorized to unite with, so that the capital stock of said Companies respectively shall constitute a common stock, and the respective Companies shall constitute one Company and be entitled to all the rights, privileges and immunities which each and all of them possess have and enjoy under and by virtue of their respective charters; or this Company may contract with any of the said Companies for the conveyance of passengers and every article whatsoever, and upon any terms not prohibited by the laws of this State.

Passed at Dover, March 16, 1865.

CHAPTER 560.

An Act appointing Freshholders to lay out a Road in Baltimore Hundred, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Stephen Aydelott, Henry W. Long, Henry E. Hill, James Tunnell and John James, of Sussex County, ^{Commissioners to determine the necessity for road.} be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the Hundred and County aforesaid, to commence at or near the Black Water meeting house, ^{Location.} on the public road leading from Joshua Johnson's store to the store of William S. Hall; thence passing through the lands of John Bull, following the old road through lands of Philip West, Nathaniel Tunnell, Ebe Walter, William Evans, Peter R. Dale, Henry Tunnell, Peter Townsend, Joshua C. Townsend, James West, Isaiah Ellis, Nancy West, William Fitchett, heirs of Peter Johnson and George Johnson, and terminating on a line of the lands of the farm whereon Ebe Walter now resides; and if the said Stephen C. Aydelott, Henry W. Long, Henry E. Hill, James Tunnell and John James, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall, with the assistance of some skillful surveyor to be by them employed, ^{Surveyor.} lay out such public road as shall be most proper, having respect to the nature of the ground, shortness of the distance, and all circumstances of public convenience, and shall make a map of said road, showing its courses and distances, the woodland and cleared land through which it passes, and other proper notes, and shall ^{Damages.} assess the damages of every the owners or holders of such land on occasion of the road, considering all circumstances of benefit or injury which may accrue to him or them therefrom, and shall compute the cost of opening and making such road, and of ^{Returns of Commissioners.} making the bridges and causeways therein separately, and shall make said map, assessment of damages, and computation of cost, and also their determination that such road is needed for public convenience part of their return.

SECTION 2. *And be it further enacted, That the map and return so to be made as aforesaid by the said Commissioners* ^{Map and returns—when returned.} shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court and Court of Appeal of Sussex County, and the said Levy Court and Court of Appeal may establish said road so returned as a public road or highway, and may settle and pay such damages and costs as may have been assessed by said proceedings, and when said ^{Damages and costs—how paid.} road may have been so returned and established as a public road or highway by the said Levy Court and Court of Appeal

of Sussex County. the same shall be and remain subject to the same regulations as other public roads or highways laid out in pursuance of an order of the Court of General Sessions of the Peace and Jail Delivery, in and for Sussex County, according to the provisions of Chapter Sixty of the Revised Code of this State.

Road to be
opened.

When.

SECTION 3. *And be it further enacted*, That it shall be the duty of the Assessor* of the Roads in Baltimore Hundred, as soon as said road shall be returned and established as aforesaid, to proceed at once to open the same as soon as it may be done consistently with the provisions of the said act concerning roads and bridges.

Commission-
ers and sur-
veyor to be
sworn.

Who may
administer
the oath.

Quorum.

Vacancies—
how filled.

SECTION 4. *And be it further enacted*, That the said Commissioners, and the Surveyor by them employed shall, before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them according to this act, and the Surveyor to perform the services for which he is employed faithfully and impartially, according to the best of their skill and judgment, respectively; which oath or affirmation may be taken before any Judge of this State, or any Justice of Peace in Sussex County, or either of said Commissioners named in this act may administer said oath or affirmation to any other of said Commissioners, or to the Surveyor employed by them. The acts of a majority of the said Commissioners shall be as valid as if concurred in by all of them; and in case of a vacancy or vacancies, another or other Commissioner or Commissioners may be appointed by any Judge of the Superior Court, or any Justice of the Peace in Sussex County.

Passed at Dover, March 16, 1865.

CHAPTER 561.

Vol. 8, p.
296.

A further supplement to the Act entitled, "An Act to erect and keep in good repair a Bridge over Broadkilln Creek, where the State Road crosses the said Creek at a place called Samuel Paynter's Landing."

Preamble.

WHEREAS the Levy Court of Sussex County has lately erected a new pivot bridge over Broadkilln Creek, at the place mentioned in the act to which this is a supplement. AND

* So in enrolled bill.

WHEREAS it is expellient and necessary for the more economical preservation of the same that certain rules and regulations should be enacted relating thereto, and that a keeper should be appointed, whose duty it shall be to take charge of the same, and to enforce the said rules and regulations as hereinafter provided, Therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That the Levy Court of Sussex County shall, at the March Session thereof in each and every year, appoint a suitable and trustworthy person the keeper of said bridge, to serve for and during the term of one year from the date of his said appointment, or until the appointment of a successor in said capacity, whose duty it shall be to place, or caused to be placed thereon a good, sufficient and durable lock, the key whereof shall be and remain in his own keeping and possession, the said lock being placed in such a position that it will be impossible for any person or persons, except the said keeper thereof, to turn off the leaf of said bridge. It shall further be the duty of the said keeper, whenever called upon to do so by the master or commander of any vessel wishing to pass through said bridge, or by any person or persons authorized by such master or commander, to turn off the leaf of said bridge for the passage of such vessel, and when such vessel shall have passed through the draw to immediately turn on said leaf and lock the same as before, under the penalty of five dollars with costs of suit, to be proceeded for and recovered before any Justice of the Peace in and for Sussex County, in the name of the State, upon the information of such master or commander; one moiety of said fine to be applied to the use and benefit of said master or commander prosecuting for the same, and the other moiety thereof to the Treasurer of Sussex County for the use and benefit of said County.

Levy Court of Sussex County to appoint keeper of Bridge. When.

Duties of keeper.

Vessel approaching bridge, to take in sails.

Penalty.

SECTION 2. That the captain or commander of any vessel approaching said bridge shall cause the sails of such vessel to be taken in upon reaching the turn above said bridge, if such vessel is proceeding down the creek, or at the turn below said bridge if such vessel is proceeding up the creek; and such captain or commander shall cause such vessel to be brought to and snubbed through said bridge when passing through the same. Any captain or commander of such vessel offending against either provision of this section shall, for every such offence, forfeit and pay the sum of five dollars with costs of suit, to be proceeded for and recoverable before any Justice of the Peace in and for Sussex County, in the name of the State, upon the information of the said keeper; one moiety of said fine to be applied to the use and benefit of the said keeper prosecuting

for the same, and the other moiety thereof to the Treasurer of Sussex County, for the use and benefit of said County.

Injuries to
bridge by
vessels.

SECTION 3. That if any captain or commander of any vessel navigating said creek shall willfully, carelessly or negligently cause or permit any injury or damage to be done to the said bridge in passing or endeavoring to pass such vessel through the same, such captain or commander shall forfeit and pay all the actual damages so done to said bridge, with costs of suit to be proceeded for and recoverable in the name of the State upon the information of the said keeper, and to be paid to the Treasurer of Sussex County for the use and benefit of said county.

Manner of
crossing
bridge.

SECTION 4. That every stage driver driving a stage, and every other person driving any wagon, cart, coach, chaise, or other carriage or vehicle for the conveyance of persons or otherwise, or riding on horseback over said bridge, shall check his horse, horses, or team upon arriving at said bridge on either side thereof, and drive over said bridge with his horse, horses, or team in a walk, and if any person or persons shall intentionally and wilfully offend against this provision, every person for every such offence shall forfeit and pay a sum not exceeding five dollars, with costs of suit, to be proceeded for and recoverable before any Justice of the Peace in and for Sussex county, in the name of the State, upon the information of the said keeper; one moiety of said fine to be applied to the use and benefit of the said keeper prosecuting for the same, and the other moiety thereof to the Treasurer of Sussex County for the use and benefit of said county.

Annual al-
lowance to
keeper.

SECTION 5. That the Levy Court of Sussex County be and they are hereby required to make an annual appropriation at the March session thereof of a reasonable and sufficient allowance to the said keeper of said bridge, as a compensation to the said keeper for the services enjoined upon him by this act.

Vacancy in
the office of
keeper—how
filled.

SECTION 6. That if through the death, removal or resignation of the said keeper of said bridge, or from any other cause otherwise than by the regular expiration of the term thereof, there shall be no person authorized to perform the duties enjoined by this act, the Levy Court Commissioner for Broadkilm Hundred, Sussex County, shall have power and is hereby authorized to fill the vacancy by the appointment of a suitable person to perform said duties for the remainder of said term.

Inconsistent
acts repealed.

SECTION 7. That all acts and parts of acts inconsistent herewith be and they are hereby repealed, made null and void.

Passed at Dover, March 16, 1865.

CHAPTER 562.

An Act for the Preservation of Certain Records.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Charles H. Richards, the present Prothonotary in and for Sussex County, be and he is hereby authorized to have re-bound the Judgment Records of eighteen hundred and thirty-one and thirty-six in the said Prothonotary's office, and to re-copy such of the index leaves of said Records as require it.

C. H. Richards authorized to have certain record book re-bound.

SECTION 2. *And be it further enacted, That* the Levy Court in and for Sussex County is hereby directed to pay all expenses attending the binding and copying of the same, and that the said Prothonotary be directed to superintend in person the said binding and copying.

Levy Court directed to pay expenses.

Passed at Dover, March 17, 1865.

CHAPTER 563.

An Act to authorize the Levy Court and Court of Appeal of Sussex County, to purchase or acquire the Drawbridge over the Nanticoke River at Seaford, for the purpose of making the same a public and free Bridge.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* it shall and may be lawful for the Levy Court and Court of Appeal of Sussex County, and the said Levy Court is hereby authorized and directed, if they shall deem it prudent and advisable, to purchase from Hugh Martin, by contract, the draw-bridge over the Nanticoke River at Seaford, and the causeway thereunto annexed, for the use of the public, to be free from toll or charge.

Levy Court of Sussex County authorized to purchase the draw-bridge over Nanticoke River.

SECTION 2. *And be it further enacted as aforesaid, That* if the said Levy Court and Court of Appeal and the said Hugh Martin shall not agree upon the terms of the said purchase, the Superior Court in and for Sussex County, upon application of the said Levy Court and Court of Appeal made by a resolution of said body, certified to the said Superior Court, shall, by an order,

Condemnation of bridge.

Five freeholders appointed, Their oath.

They shall assess the damage.

Return of proceedings to Superior Court.

Court may grant order of review. When.

Five other freeholders appointed.

Their duties.

Return of original order conclusive. When.

Disposition of damages.

Bridge to become free.

Proviso.

Damages to be assessed by a jury. When and how.

appoint five judicious and substantial freeholders of said County, not being inhabitants of the town of Seaford nor interested with the said Hugh Martin in said bridge, who being first duly sworn or affirmed to perform the duties enjoined upon them by said order faithfully and impartially, according to the best of their skill and judgment, shall view the said Seaford Bridge and the causeway therewith connected, and the said freeholders, or a majority of them, shall assess the damage which the said Hugh Martin will sustain by reason of the said bridge and the causeway therewith connected being condemned and taken for the use of the public, free from charge or toll. The said freeholders, or a majority of them, shall make a return of their proceedings in the premises under their hands to the said Court on the first day of the term next after the making of said order. If upon the return of an original order as aforesaid, application be made to the said Superior Court by the said Levy Court and Court of Appeal in manner aforesaid, or by Hugh Martin at the term to which the original order shall be returned, the said Superior Court shall by an order of review appoint five other judicious and substantial freeholders of the County, not being inhabitants of the said Town of Seaford, nor persons interested with the said Hugh Martin in said bridge, who being first sworn or affirmed as aforesaid, shall review the premises and assess the damages as aforesaid and make return under their hands, or the hands of a majority of them, to the said Superior Court on the first day of the next term after the making of such order of review. If there be no application for such order of review as aforesaid, the return of freeholders upon the original order shall be conclusive, and upon payment by the said Levy Court and Court of Appeal to Hugh Martin of the damages thereby assessed, the said Seaford Bridge and the causeway therewith connected shall become a public bridge and highway, free for the use of the public, without toll or charge. Upon the refusal of said Hugh Martin to receive the amount of said damage when so tendered, the same may be deposited in the Branch of the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of said Hugh Martin, and such deposit shall operate as payment of the amount of said damage to the said Hugh Martin to all intents and purposes. Upon a return of an order of review as aforesaid, in case such order applied for and issued and payment of the amount of damages thereby assessed, or deposit of said amount as above provided, the said Seaford Bridge and causeway therewith connected shall become a public bridge and highway free for the use of the public without toll or charge, as aforesaid. *Provided nevertheless,* That upon application by the said Levy Court and Court of Appeal in manner aforesaid, or by the said Hugh Martin to the said Superior Court at the term to which an order of review shall be returned, the said Superior

Court shall direct an issue to be tried at the said Court, at the term next after such application, by a jury of twelve men of the Petit Jury for the time being empanelled, and sworn or affirmed as for the trial of civil action, to determine what damages the said Hugh Martin will sustain by reason of the said Seaford Bridge and the causway therewith being condemned and taken for the public use, free from toll or charge, and the verdict of the said jury and the judgment of the Court thereon shall be final in the premises, and upon payment of the amount of damages assessed by such verdict to the said Hugh Martin, or upon deposit of said amount as aforesaid, the said Seaford Bridge and causeway therewith connected shall become a public bridge and highway, free for the use of the public without toll or charge.

Verdict final

SECTION 3. *Be it further enacted as aforesaid,* That upon the purchase or condemnation of said bridge over the Nanticoke River, at Seaford, as hereinbefore provided, the said bridge and causeway shall be a charge upon the County of Sussex, and shall be kept in repair and supported at the common expense of the County in the same manner as the said bridge and causeway are now required to be repaired, supported and attended to by the said Hugh Martin.

Bridge to be a charge upon the county.

SECTION 4. *Be it further enacted as aforesaid,* That from and after the purchase or condemnation of the said Seaford Bridge, as aforesaid, and the damages assessed paid to said Hugh Martin, or the deposit of the same as aforesaid, the said incorporation shall be dissolved.

Corporation dissolved. When.

SECTION 5. *And be it further enacted as aforesaid,* That the said Levy Court and Court of Appeal may raise the money necessary for payment of the purchase of said Seaford Bridge, or of the damages assessed as aforesaid, by taxation or by loan in its discretion.

Money to pay for bridge—how raised.

Passed at Dover, March 17, 1865.

*An Act to incorporate the Nanticoke Building Association of
Seaford, Delaware.*

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein,)* That James M. Dutton, John Cottingham, John H. Cottingham, Jacob Wallace, W. Hudson Cannon, James Stuart, Thomas J. Colbourn, Zebdile Horsey, John Connaway, George T. Kay and Isaac H. D. Knowles, and such others as now are or at any time hereafter [may] be associated with them as members of the Nanticoke Building Association of Seaford, Delaware, shall be and they are hereby ordained and declared a body politic and corporate in fact and in law, and shall have continuance and succession for twenty years, under the name and title of "The Nanticoke Building Association" of Seaford, Delaware.

Continuance.
Name.

Corporate powers.

SECTION 2. *And be it further enacted as aforesaid,* That the said Corporation and their successors shall now and for twenty years hereafter, be able and capable to sue and be sued, implead and be impleaded in any court of law or equity in this State, in all manner of cases, acts, suits, complaints and matters whatsoever, and shall be capable in law to purchase, receive, take, hold and enjoy any lands, tenements, bonds, mortgages, hereditaments, rents, leases, stocks, goods, chattels, or money which may be devised, given or conveyed to them, or which may come to their hands by or from the payment of fees, fines or dues from the members of said Corporation, and also to grant, let, sell, bestow, convey and assign or transfer the same, and to do all acts concerning the same which as individual, owners thereof could in law by the name and title aforesaid; and have a common seal with power to break, alter and renew the same as to them shall seem fit.

Members to elect officers.

SECTION 3. *And be it further enacted as aforesaid,* That the members of the said Corporation shall have power to appoint or elect such officers as they may deem proper and necessary, at such times and for such length of time, to conduct the affairs and manage the business of the said Corporation and to preside over the same, and from time to time to make and establish, and put in execution, agreeably to the provisions of this act, such by-laws, rules and ordinances as they shall deem convenient or proper for the good government of the said Corporation and its proper business. *Provided,* That such by-laws, rules and ordinances be not contrary or repugnant to the Laws and Constitution of this State and the United States. Nothing herein contained shall confer upon said Corporation any banking power or privilege whatever, other than the lending of money on security for the purpose of permanent investment.

Provided.

SECTION 4. *And be it further enacted as aforesaid,* That this ^{Public act.} act shall be deemed and taken to be a public act, and the power ^{Revocation.} to revoke the same is hereby reserved to the Legislature.

Passed at Dover, March 17, 1865.

CHAPTER 565.

An Act to incorporate the Town of Milton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* (two thirds of each branch of the Legislature concurring,) That William V. Coulter, Robert L. Lacey, George W. Atkins, Samuel ^{Commissioners appointed.} Martin and James Ponder, are hereby appointed Commissioners, whose duty it shall be, and they, or a majority of them, are hereby authorized and empowered, with the assistance of a skillful sur- ^{Their duties.} veyor to be by them chosen, to survey and lay down on a plot the Town of Milton, in Sussex County, establishing its limits, ^{Plot of town.} and making and describing its streets, alleys, lanes and side- ^{What to show.} walks, and shall, when the service is performed, return the plot ^{Where re-} under their hands to the Recorder's Office, at Georgetown, to be ^{turned.} recorded, and the original and the record, or a certified copy thereof, shall be evidence. The Commissioners and the Surveyor, ^{Commissioners and surveyor to be sworn.} before entering upon their duties under this Section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

SECTION 2. *Be it further enacted as aforesaid,* That the Commissioners hereby appointed, and their successors in office to be chosen as hereinafter provided, shall be a body politic and corpo- ^{Commissioners incorporated.} rate, in fact and in law, by the name of the Commissioners of ^{Name.} Milton, and may sue and be sued by that name. They shall, in addition to the power hereinbefore conferred, have power to ^{Their pow-} regulate the streets, lanes, alleys and sidewalks of said town, and ^{ers.} may direct the latter, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen to examine any chimney, stovepipe fixture or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or

pistols, the making of bon-fires, or setting off fire-works, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys or other persons within the town, and generally they shall have all the powers which by any law of this State are conferred on the Commissioners of the Town of Dover.

SECTION 3. *Be it further enacted as aforesaid,* That the Commissioners herein named shall continue in office until the first Saturday in March, A. D. 1866, on which day, in that year, and on the same day in every year thereafter, there shall held be an election in the said town of Milton, at the Academy therein, from the hours of two till the hour of four o'clock, P. M., for five Commissioners, who shall be residents of said town and freeholders therein. The said election shall be held by two persons chosen by the persons entitled to vote present, who shall receive the ballots, ascertain the result, and certify the same in the books of the Commissioners. At such election every white male and unmarried female taxable of said town, above the age of twenty-one years, shall be entitled to vote, *Provided,* That unmarried female taxables shall vote by proxy. The persons aforesaid holding the election shall be judges of said election, and shall decide on the legality of the votes offered.

Term of office of commissioners.
Election when held.
Where held.
How conducted.
Who may vote.
Judges.

SECTION 4. *Be it further enacted as aforesaid,* That there shall be four stated meetings in every year of the said Commissioners, viz: on the last Saturday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repair and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments and general welfare as said Commissioners may deem proper: *Provided,* The same be not repugnant to the Constitution and Laws of this State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection.

Stated meetings—when held.
For what purposes held.
Proviso.

SECTION 5. *Be it further enacted as aforesaid,* That the Commissioners herein named, and their successors in office, shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding two hundred dollars, exclusive of the dog tax, and shall appoint an Assessor to make an assessment of persons and property in said town, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town; and also an assessment of all the white male

Town tax.
Duties of the Assessor.

as well those owning real estate as those not owning such within its limits, and also to ascertain the number of dogs said town and the owners of such dogs, assessing each fifty cents to the owner or keeper thereof. And the said sor shall, forthwith, after making such assessment, deliver Commissioners for the time being a duplicate containing names of all the persons assessed, and the amount of their ment, distinguishing the real and personal assessment o When the assessment is returned, the Commissioners shall five days public notice of that fact, and they will sit together a certain place, and on a certain day to be designated by from one till four o'clock in the afternoon, to hear appeals said assessment. They shall have power, on such day, to or decrease any assessment, except that of dogs, which always be fifty cents to each owner or keeper of on When the appeal day is past, they shall, without delay, cause assessment list to be transcribed, and the transcript to be erred to the Collector, who shall thereupon collect from taxable his proportion of the tax laid, and pay over the amount, deducting commissions and delinquencies, (which be allowed by the Commissioners,) to the Treasurer by the day of September next after the receipt of his duplicate. Collector shall have the same power for the collection of taxes as are conferred by law on the collectors of county

SECTION 6. *And be it further enacted as aforesaid,* The Commissioners, or a majority of them, shall have authority to employ and use the money in the Treasury of the town for general improvement, benefit and ornament of the said town they may deem advisable, and all money paid out by the Treasurer shall be paid upon the order of the Commissioners or a majority of them.

SECTION 7. *Be it enacted as aforesaid,* That any ordinance for the paving or improving the side-walks shall apply to those persons owning the property fronting upon the street who and who alone shall bear the expense of making the same or other improvements ordered. If such ordinance is not complied with in three months the Commissioners may purchase the materials and work to be found and done, and collect the expense of the same, on ten days notice by advertisements in a hotel and two of the stores in said town, out of the personal real estate of the person in default situate in said town. A sale may be made by any person whom the Commissioners may depute for that purpose, and, if the proper notice has been given, the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from

sale shall be paid to the Treasurer for the use of the town, but if there be any surplus after meeting the claim for which the sale was made, such surplus shall be paid to the person in default. The Commissioners shall allow reasonable fees for seizing the property and making sale.

Town Alderman. **SECTION 8.** *Be it further enacted as aforesaid,* That the Justice of the Peace resident in the Town of Milton, or, if there be more than one the oldest in commission, and if no Justice of the Peace shall reside in the town, the Justice of the Peace nearest resident thereto shall be the Town Alderman, and all the provisions of any laws of this State in reference to the Town Alderman of Dover shall be applied and extend to the Town Alderman of Milton. The Commissioners may appoint a Town Constable, and all the provisions of any laws of the State appertaining to the Town Constable of the Town of Dover, shall be extended and shall apply to such Town Constable of the Town of Milton.

Acts in relation to the town of Dover to be applicable to Milton. **SECTION 9.** *Be it further enacted as aforesaid,* That all the provisions of the several acts of the General Assembly of this State in relation to the Town of Dover, aforesaid, not inconsistent with this act, may be applied by the Commissioners of the Town of Milton to the Government of that town, and shall have the same effect when so applied as they have in reference to said Town of Dover, and all proceedings in accordance with said acts of the General Assembly shall be valid and lawful.

Treasurer and Collector to be sworn. **SECTION 10.** *Be it further enacted as aforesaid,* That the Treasurer and Collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths.

Special Constable. **SECTION 11.** *Be it further enacted as aforesaid,* That in case of necessity the Town Alderman is hereby authorized to appoint a Special Constable to execute any duties required to be performed by the Town Constable, and such special Constable shall act in the discharge of such duties under a penalty of five dollars, to be imposed by the Alderman in case of neglect or refusal and collected as other fines.

Town Clerk. **SECTION 12.** *Be it enacted as aforesaid,* That the Commissioners shall appoint a Town Clerk, who shall keep a record of the proceedings of the Commissioners.

Unimproved property not to be taxed. **SECTION 13.** *Be it further enacted as aforesaid,* That the Commissioners named in this act, or their successors, shall have no power to assess unimproved lands within the limits of the town.

Public act. **SECTION 14.** *Be it further enacted,* That this act shall be deemed and taken to be a public act.

Passed at Dover, March 17, 1865.

CHAPTER 566.

An Act concerning the per diem of Levy Court Commissioners of the several Counties of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* from and after the passage of this act the *per diem* of the Levy Court Commissioners of this State shall be three dollars, together with the same mileage as heretofore allowed.

Levy Court
Commission-
ers to receive
\$3.00 per
day.
Mileage.

SECTION 2. *And be it further enacted by the authority aforesaid, That all acts and parts of acts inconsistent with the provisions hereof be and they are hereby repealed, made null and void.*

Inconsistent
acts repealed

Passed at Dover, March 17, 1865.

CHAPTER 567.

An Act to Restrict certain Animals from running at large in Mill Creek and Christiana Hundreds.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,

SECTION 1. That no resident of Mill Creek and Christiana Hundreds holding actual possession, in fee, by lease, or otherwise, of five acres or more of land, in or near said Hundreds, and no member of a family, the head of which shall hold land as aforesaid, shall suffer any animal of the cow or horse kind, owned or held by such resident, to pasture or run at large upon the public roads of said Hundred.

Certain per-
sons not to
suffer ani-
mals of the
cow or horse
kind to run
at large.

SECTION 2. That no other resident of said Mill Creek and Christiana Hundreds, or but one member of the family of such resident, shall suffer more than one animal of the cow or horse kind, owned or held by such resident, to pasture or run at large upon the public roads of said Hundreds.

What per-
sons can suf-
fer one of
said animals
to run at
large.

SECTION 3. That no person shall suffer any animal of the cow or horse kind, owned or held by such person, to pasture, or run at large on the roads of said Hundreds after notice in writing, signed by three or more landholders of the School District wherein said owner or holder resides, shall have been served

After notice
no person to
suffer such
animals to
run at large.

on said owner either personally, or by leaving the same at the residence of the party, to the effect that such animal is breachy and unfit to be at large.

Penalty. SECTION 4. Every person wilfully suffering animals to run at large contrary to the provisions of either of the foregoing sections of this act, shall be liable to a penalty of fifty cents per head for each and every day such animal or animals do so run at large, to be recovered by suit, before any Justice of the Peace of New Castle County, made by any party interested: one half said penalty to be paid to the prosecutor and the other half to the Road Commissioners of the Hundred wherein said person resides, and the owner or holder of such animal or animals running at large, contrary to the provisions aforesaid, shall also be held liable for all damages committed by said animals, to be recovered in like manner for the benefit of the damaged party, *Provided* said penalty or damages be sued for within twenty days after each transgression or trespass.

Act—how construed. SECTION 5. Nothing in this act shall be construed to interfere with or prevent parties from proceeding with such animals as provided in the laws concerning strays.

Passed at Dover, March 17, 1865.

CHAPTER 568.

An Act concerning "The McCullough Iron Company."

Preamble. WHEREAS it is represented to this General Assembly that Jethro J. McCullough, Delaplain McDaniel, William K. McClees, and others, have been by an Act of the General Assembly of the State of Maryland incorporated under the name and style of "The McCullough Iron Company," for the prosecution of the business of manufacturing, galvanizing and selling iron, and of articles made therefrom: AND WHEREAS it is contemplated that the business of said Company will be in part carried on within this State, Therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein,) That the McCullough Iron Company, a corporation created by an Act of the General Assembly of the State of Maryland, passed Feb-*

McCullough Iron Co. to be deemed a corporation of the State of Delaware

ruary 10, 1865, be and it hereby is recognized as and shall be deemed and taken to be a corporation of the State of Delaware, and shall and may have and exercise within this State the corporate rights, powers and franchises which are conferred upon it by its said act of incorporation, as fully and effectually, to all intents and purposes, as if the said Company had been incorporated with like rights, powers and franchises by an act of the General Assembly of this State. Corporate rights.

SECTION 2. *And be it further enacted,* That the Legislature re- Revocation.
serves to itself the power any time to alter or repeal this Act.

Passed at Dover, March 17, 1865.

CHAPTER 569.

An Act to Incorporate the Duck Creek Oil Company, of Smyrna, Delaware.

WHEREAS David J. Cummins, John W. Voshell, John W. Preamble.
Denney, George Davis, and others, are bound to each other by articles of agreement signed by each of them, and dated the 25th day of January, in the year of our Lord one thousand eight hundred and sixty-five, according to the intention and provisions of which said articles of agreement the said parties have purchased, for the sum of fifty thousand dollars, certain oil producing lands situate in Noble County in the State of Ohio, and have bound themselves under certain penalties to furnish and pay into the common fund the whole of their respective subscriptions, or whatever part may now remain unpaid of the amounts by them respectively subscribed for the purpose of purchasing the lands aforesaid; AND WHEREAS twenty-five thousand dollars, part of the said sum of fifty thousand dollars, has been paid into the hands of the Treasurer of the Association, and the said parties composing said Association are required by their agreement with the parties or persons from whom said lands were purchased to pay, monthly, the sum of twelve thousand five hundred dollars until the whole sum of fifty thousand dollars shall be paid, and the said parties to said articles of agreement, believing that it will be more convenient for the management of the interest and advantage of the Association that the said Association should be incorporated and created a body politic, and have appointed a committee to request of the General Assembly of Delaware the passage of an act incorporating the parties associated as aforesaid, Therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein.)

SECTION 1. That David J. Cummins, John W. Voshell, John W. Denney, George Davis, and such other persons as now are associated under the articles of agreement referred to in the preamble to this act, or shall hereafter become stockholders or owners of the capital stock of the Company hereby created, and their successors and assigns be and they are hereby declared to be a corporation and body politic by the name, style and title of "The Duck Creek Oil Company of Smyrna, Delaware," and by the same name shall have succession for twenty years and no longer, may make and use a common seal, alter and renew the same at pleasure, may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and may purchase, have, hold, receive, possess, enjoy and retain to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and effects of whatsoever kind, nature, or quality that are or may be necessary for the proper management of the business of said Company, for the production of oil and minerals and the preparation thereof for market, and the development of all lands held or owned by said Company, and the same from time to time to sell, grant, demise, alien or dispose of, and also may ordain, establish and enforce such by-laws and regulations as shall be deemed necessary for the government of said Corporation not repugnant to the constitution and laws of this State or of the United States, or of any State in which the said Corporation may hold and occupy real estate in leasehold or otherwise, and generally may do all and singular the matters and things and exercise and enjoy all rights, powers and privileges which to them may properly appertain for the well being and ordering of the said Corporation. *Provided*, That nothing herein contained shall be construed as in any way giving to the said Corporation any banking privileges whatsoever, or any other powers or privileges than such as are necessary or incident to such Corporation as is hereby created. *And provided further* That no by-laws shall be made without the approval of a majority of the Stockholders in interest.

SECTION 2. The joint stock and all the lands, tenements, hereditaments, goods, chattels, moneys, debts and other property, real or personal, now belonging, or due and payable, or to become due and payable by any person or persons in trust for the association, shall be, and the same are hereby transferred to and vested in the Corporation created by this act. And all contracts made with the said Association, or with any person or persons for their use, shall enure and operate to the benefit of and be performed to and with the Corporation hereby created.

Incorporation.

Name.

Succession.

Corporate powers.

Banking privileges not conferred.

Proviso.

Joint stock of association to vest in corporation.

SECTION 3. The capital stock of said Corporation shall be fifty thousand dollars, divided into shares of five dollars each, and the said Company, by their proper officers as hereinafter provided, shall issue or cause to be issued certificates of stock of the denomination aforesaid, to the full amount of the original subscriptions to the said articles of association recited in the preamble to this act, to any party to said articles of association as soon as he or she shall have paid into the hands of the Treasurer of the Company hereby incorporated the amount so by him or her respectively subscribed. And the said Company shall have the privilege at any time to increase the capital stock of said Corporation to any amount not exceeding three hundred thousand dollars, provided that it shall be determined by a majority of votes, each vote representing a share of stock, at a meeting to be held for that purpose, shall deem it advisable so to do; notice of said meeting being given in one or more newspapers, published in this State, two weeks previous to said meeting.

Capital stock.

Privilege to increase stock.

Proviso.

SECTION 4. The Stockholders shall annually hereafter, on the first Monday in April, between the hours of nine o'clock, A. M. and three o'clock, P. M., during the continuance of said Corporation, hold their stated meetings at such place as the Directors for the time being shall appoint, notice of which shall be given at least ten days previous to the time of holding such meeting, in a newspaper published in this State, and by handbills posted in at least three of the most public places in Duck Creek Hundred. At such meeting the Stockholders shall elect from their own number seven Directors, a majority of whom shall be citizens of Delaware, to serve for one year or until their successors are duly chosen; and in the event that such meeting and election shall not from any cause take place this corporation shall not for that reason be deemed to be dissolved, but an election may be held for Directors, upon such subsequent day as may be appointed by the Directors for the time being, due notice of the time and place of such subsequent meeting and election being given by the Directors in office as provided for by this section for the election of Directors at a stated meeting.

Annual meetings—when and where held.

Notice.

Election of Directors.

Failure to elect not to dissolve corporation.

Subsequent meetings.

SECTION 5. In all meetings of the Stockholders regularly convened those present may proceed to the election of Directors and for the transaction of other business. All questions shall be determined by a majority of votes given. All elections by stockholders shall be by ballot, and all votes shall be given in person, or by proxy, and each share of stock shall entitle the owner to one vote. Occasional meetings of the Stockholders may be called at such times and places as the President and Directors may deem expedient.

Meetings how conducted.

Occasional meetings.

SECTION 6. At the first meeting of the Stockholders to be held under call of the Directors appointed by this act, three persons.

Judges of Elections.

not being Directors, shall be appointed as judges thereof for the purpose of receiving and counting the votes and declaring the state of the election. All subsequent elections of said officers shall be conducted by three of the Stockholders, not in the Board, to be appointed by the Directors for the time being, as judges for that purpose, who shall be furnished by said Directors with a certified list of the Stockholders, showing the number of shares of stock held or owned by each person respectively. The

Directors to choose President, Secretary and Treasurer.

Directors, immediately after their election, shall proceed to choose one of their number to be President of the Company and of the said Board, and their term of office shall be until the annual meeting of the Stockholders succeeding their election, and until their successors shall be duly chosen. The Directors shall also appoint, immediately after their election, a Secretary and Treasurer of said Company, who shall continue in office for the term aforesaid and until their successors shall be duly appointed, unless sooner removed for sufficient cause by the Directors.

Treasurer to give bond.

They shall require of the Treasurer, on his appointment, a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said Company. A majority of the whole number of

Quorum.

Directors shall constitute a quorum for the transaction of business, and in the absence of the President may appoint a Chairman of

Vacancies.

the Board *pro tempore*. Vacancies in the Board of Directors, and in the offices of the President, Secretary and Treasurer, may be filled by the remaining Directors, to continue as aforesaid, but the Treasurer, Secretary and such subordinate officers or agents as may be appointed by the said corporation shall hold their position for one year, or at the discretion of the Board of Directors.

Qualifications of Directors.

No person shall at any time be elected a Director who does not, at the time of his election, own and hold one hundred shares of stock in said Company, nor shall any person who may have subscribed to the articles of association hereinbefore referred to, or to the capital stock of the Company authorized to be increased by this act, be entitled to vote at any meeting of the Company, if at the time of said meeting any installment called in by the Directors shall have been due and payable for the period of thirty days, and it shall and may be lawful for the Directors of said Company to declare any original subscription to the additional stock authorized by this act forfeited to said Company whenever the party subscribing therefor shall have failed to pay the installment called in for the period of thirty days, or sue for the same in any court of law in this State, or elsewhere, at the discretion of the Directors of said Company.

Voters.

Failure to pay installments.

Additional capital stock how raised.

SECTION 7. The additional capital authorized by this act may be raised by subscription upon the books of said Company in conformity to the by-laws, or by the sale of said stock in such manner as the Board of Directors may deem advisable.

SECTION 8. It shall be the duty of the President and Directors to procure certificates of stock for all the shares subscribed for and paid into said Company, and for such shares as may have been subscribed to the articles of association and paid for, to cause the same, signed by the President, with the seal of the Corporation attached thereto, and countersigned by the Secretary, to be issued to the subscribers therefor, which shall be assignable at the will of the holder in the method prescribed by the by-laws of said Company, and the assignee of any certificate so transferred shall be a Stockholder in said Company, and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures and penalties due or to become due thereon as the original subscriber would have been.

SECTION 9. The President and Directors shall from time to time make and declare dividends out of the nett profits of the business of the Company, or of such portions of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them, but no such dividend shall be declared which will in any manner reduce the capital stock of said Company, and the President and Directors shall at each annual meeting of the Stockholders submit a report, and exhibit to them a full and correct statement of the proceedings and affairs of the Company for the year previous to said meeting.

SECTION 10. David James Cummins, Horace Spruance, John M. Voshell, William M. Bell, Isaac D. Budd, George Davis and Benjamin S. Gootee be and they are hereby appointed Directors of said Company, and shall exercise all the powers and privileges of Directors authorized to be elected by this act, and shall continue in office until the first Monday in April next, and until their successors are duly chosen.

SECTION 11. The Directors shall not sell or dispose of any real estate of the Company, or make any contract for the purchase thereof, notwithstanding any power or authority conferred by any previous section of this act, without their first having obtained the consent of the Stockholders owning or representing a majority of the stock of said Company at a meeting to be called upon such notice as may be prescribed by the by-laws.

SECTION 12. This act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State. subject however to revocation for abuse or misuse of the privileges hereby conferred, which power is hereby reserved to the Legislature.

SECTION 13. And be it further enacted by the authority aforesaid, That it shall be the duty of the Corporation by this act created

to have an office in the Town of Smyrna, and a portion of the business of said Corporation shall be carried on and conducted within the limits of this State.

Passed at Dover, March 17, 1865.

CHAPTER 570.

Vol. 12, p.
473.

An Act to amend the Act entitled, "An Act to amend the Act entitled, 'An Act appointing Commissioners of the Great and Beach Marshes,' passed at Dover, August 10, 1864."

Section 4, of
Chapter 466,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* Section 4 of the act entitled, "An Act to amend the act entitled, 'Act appointing Commissioners of the Great and Beach Marshes,' passed at Dover, August 10, 1864," be and the same is hereby amended by striking out the words "any one" and inserting in lieu thereof the words "a majority."

Passed at Dover, March 17, 1865.

CHAPTER 571.

Rev. Code,
338.

An Act to amend the Ninety-ninth Chapter of the Revised Code.

Section 42,
Chapter 99,
Rev. Stat.
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Ninety-ninth Chapter of the Revised Code be, and the same is hereby amended, by striking out the forty-second section thereof, all after the words "Section 42," and inserting in lieu thereof the following: "The following shall be the legal fees for services in cases before a Justice of the Peace:

To a Justice of the Peace:

Justice's
fees.

The sums here set down, when the judgment shall not exceed fifty dollars; and the double of such sums when such judgment shall exceed fifty dollars:

	\$	cts.
For issuing a summons, scire facias, or attachment, (except execution attachment,)	25	
One subpoena for witnesses,	15	
Other subpoenas for the same party, in the same case, each,	10	
(But more than two shall not be taxed for the same party; if ordered, they shall be at his costs.)		
Appointing, summoning and swearing referees,	25	
(But only one such fee, unless there shall be a new trial, and then not more than two in any case.)		
Entry of bail or surety, including all,	15	
Entering judgment,	15	
Entering judgment on obligation and warrant.	25	
Every affidavit, certified and filed,	15	
Entering rule to take depositions,	15	
Transcript of docket entries, duly certified.	25	
Full copy of record,	50	
Copying interrogatories, per line, one cent,	01	
Every execution,	15	
Filing and entering the return to an execution.	15	
Writing advertisements of attachments,	40	
Taking acknowledgment of the manumission of one or more slaves, named therein,	25	
For taking proof and giving certificate of freedom to authorize marriage,	25	
Taking and certifying acknowledgment of a deed, whether one or more parties, each justice	50	
Same of a release, acquittance or receipt, each Justice,	30	
Drawing and taking indenture of apprenticeship, or servant, if one justice,	1 00	
And if by two justices (to be paid by the master) each	50	
For writing, approving and certifying the assignment of an indenture,	25	
For a probate,	15	
For taking a deposition, or affidavit,	25	
For dispensing a marriage license, taking and returning bond, to be paid by the party,	50	
In proceedings for a penalty, the same fees as in other civil cases; unless the law imposing the penalty provides otherwise.		

In Criminal cases.

For taking and filing affidavit, or deposition,	25
For issuing warrant of arrest, or commitment,	25
Same of runaway slave or servant,	50
Same for person convicted of enticing a slave remaining or coming into the State,	50

Taking and certifying any recognizance in any case of a criminal nature, (for one or more)	25
Issuing subpoena for witnesses, (either side,) for the first writ,	15
Subsequent writs for either party,	10
(Each writ shall include all the witnesses named for same party, before issuing it.)	
Entering judgment in any case of a criminal nature,	15
For all services on the trial of a slave, on a criminal charge, (if the trial be by two Justices) each,	1 00
If by one Justice,	50
In proceedings for forcible entry, or detainer, or for holding over, the same fees as for like services in other cases; and additionally, for attendance during the trial,	1 50
Drawing up the record,	50
Issuing warrant of possession,	50
The witnesses in such proceedings, the jurors, and the sheriff, or officer, for serving subpoena, or attachment for contempt, or on execution process, have the same fees as provided in Chapter 125, Revised Code.	

In Bastardy Cases.

The same fees as for like services in other criminal cases; and additionally

For entering orders of indemnity and maintenance (for both,)	30
Drawing and taking bond of indemnity,	50
Deposition of mother,	30

To a Constable or Sheriff.

Constable's
fee.

For serving and returning a summons or scire facias on one or more defendants, including all services in a cause before judgment, except mileage and summoning witnesses and referees,	30
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Mileage in serving and returning a summons or scire facias at the rate of three cents for each mile necessarily traveled.

If no service be made there shall be no fee or allowance of mileage, except in case of a scire facias when judgment shall be rendered thereon.

Giving notice of an application for, or time of new trial,	40
For summoning referees, (only one fee to be allowed unless there be a new trial, and then only two,)	40

Mileage in summoning referees, the same as in the case of witnesses.

For summoning witnesses, each,	15
And three cents for each mile necessarily travelled, to be counted as if all the witnesses for the same party were named in the same writ and summoned at the same time.	

For summoning garnishees on execution or other attachment, for each garnishee, (and mileage as in the case of witnesses)	20
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For posting advertisements of attachments (all) with mileage at the rate of three cents per mile, going to and returning from the Court House, where one of said advertisements must by law be posted,	50
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For serving attachment to bring body,	50
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And mileage as in the case of a summons duly served, but if the attachment is issued through the fault of an officer, he shall pay this and the justice's fee,

For taking goods on attachment, (other than execution attachment), returning inventory and appraisement, and including mileage, if the goods do not exceed \$15.00 in value,	60
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And if they exceed that sum,	1 00
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But if the goods be sold on execution, no fee shall be charged or taken on that execution.

On Executions.

For taking goods in execution,	25
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Making inventory, appraisement and return,	25
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Advertising and selling goods,	50
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Collecting on execution, without sale (if the writ shall have been in his hands fifteen days before the money is paid),	40
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Double the above fees, if the execution exceeds \$15.00 besides costs. On all sums collected when the execution exceeds \$50.00 there shall also be allowed three per cent. in addition to the above fees.

For a return of "no goods,"	15
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For conveying a person to jail,	50
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And three cents per mile from the place of arrest to the jail, and back to the justice's office.

For serving a warrant in a criminal case, or for bastardy	50
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Levyng restitution money and costs in a slave case,	50
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Conveying defendant from one county to another, five cents per mile, going and returning.

Summoning witnesses and conveying a person to jail, and for levyng execution in a bastardy case, the same fees as for like service on civil process.

Executing warrant to arrest person convicted of enticing slaves for being in the State,	1 00
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And mileage as on other process of arrest.

For giving notice to plaintiff on each execution in his hands of day of sale of goods.	15
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To a Witness.

Witness' fees.	For each days attendance, And three cents per mile from the witnesses' house to the place of trial and back.	50
	To the referees who actually try the cause, each and mileage the same as jurors.	50

To the Parties Respectively.

Parties.	For each deposition taken, But more than one dollar shall not be allowed by either party for depositions in a case before the justice, nor more than five dollars on appeal.	50
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Fees to be taxed.	The justice shall tax the fee for every such service; no other fee shall be allowed; no mileage shall be allowed unless it be expressly given; in no case shall a fee be charged for a service not performed; and every officer or person receiving a fee, shall, upon demand, give a receipt specifying the items.	
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Penalty for extortion.	If any officer or person shall receive any greater or more fees than is herein allowed for the services specified, or shall refuse to give such receipt, or shall add any item not herein specified, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding sixty dollars.	
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Fee bill to be posted.	Every Justice of the Peace shall keep a printed or written copy of this act posted in a conspicuous place in his office.	
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Repeal of the act of Feb. 24, 1859.	SECTION 2. <i>Be it further enacted</i> , That the act entitled, "An act to amend Chapter 99 of the Revised Code of the State of Delaware," passed at Dover, February 24, 1859. is hereby repealed.	
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Publication.	SECTION 3. <i>And be it further enacted</i> , That the Secretary of State be and he is hereby required, immediately after the passage of this act, to cause the same to be published in all the newspapers of the State for the space of one month.	
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Passed at Dover, March 17, 1865.

An Act for the Benefit of Married Women.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the real estate, mortgages, stocks and silver plate belonging to any married woman at the time of her marriage, or to which she may become entitled at any time during her coverture, shall remain and continue to be her sole and separate property, and shall not be subject to the disposition of her husband by alienation, transfer, assignment or otherwise; or be liable to the debts or contracts of her husband, except where such debts are judgments recovered against him for her liabilities before marriage.

Provided, That nothing in this section shall be construed to authorize the wife to sell or otherwise dispose of her real estate, mortgages, stocks or silver plate without her husband's consent, evidenced by writing under his hand and seal, or to authorize her to create any incumbrance upon her real estate, or to dispose of the rents, issues and profits thereof, or the interest upon her mortgages or dividends, or other income arising from her stocks, without his consent, evidenced in the same manner: And *Provided further,* That nothing herein contained shall be construed to affect, in any manner, the rights of the husband, (if he survive the wife,) as tenant by the courtesy in the real estate of his wife.

Certain property of a married woman shall not be subject to the disposition of her husband.

Not to be liable to husband's debts.

Exception. Wife not to sell without consent of husband. What consent necessary.

Husband's rights as tenant by courtesy not to be affected.

SECTION 2. *Be it further enacted by the authority aforesaid, That* if the money secured to be paid by any mortgage or mortgages belonging to any married woman shall be paid during her coverture, or if with the consent of her husband as aforesaid she shall dispose of her real estate or stock, she may, with the consent of her husband, as aforesaid, invest in her own name the money so paid upon her mortgages, or arising from the sale of her real estate or stock, in other real estate or in stocks, or loan the same on mortgage or mortgages, and such investment or loan shall be her sole and separate property and subject to all the provisions of Section 1 of this Act.

With husband's consent the wife may invest certain money in her own name.

SECTION 3. *And be it further enacted by the authority aforesaid, That* all laws and parts of laws of this State inconsistent with the provisions of this act be and the same are hereby repealed, made null and void.

Inconsistent laws repealed.

Passed at Dover, March 17, 1865.

CHAPTER 573.

An Act to incorporate the Hudson Branch Ditch Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein.)*

Owners to
form a com-
pany.

Name.

Annual
meetings—
when and
where held.

Election of
Treasurer,
Secretary &
Managers.

Adjourn-
ment.
Occasional
meetings.

Vacancies
filled.

Voting.

Term of of-
fice of Treas-
urer, Secre-
tary and
managers.

That the owners and possessors of certain swamp and low grounds, situate, lying and being in Murderkill Hundred, of Kent County, and State of Delaware, commonly known as the "Owl's Nest Swamp," and contiguous lowlands of Hudson's Branch, shall compose a company to be called "The Hudson's Branch Ditch Company," and shall hold a meeting on the first Saturday in May next, and on the first Saturday of May in every year thereafter, in the town of Felton, of said County, or at such other place as said Company shall determine by a resolution to be adopted at any annual meeting of said Company, at which annual meetings said Company shall choose by ballot, and a plurality of the votes present, one Treasurer, one Secretary and two Managers, and may do and determine all such matters and things as the said Company may deem requisite for effectually draining and reclaiming the said swamps and low grounds; and such and every annual meeting of said Company may be adjourned from time to time by said Company, and occasional or stated meetings may be called from time to time by the managers for the time being, at such times and places as the said Managers may appoint, by giving ten days public notice by advertisements put up at five of the most public places of said neighborhood, or at such other places as the Managers for the time being may think advisable, and if the Treasurer, Secretary or Managers shall not, all or any of them, be chosen at the stated or annual meeting for the current year, or for any year thereafter, or any of them shall die, resign or neglect to act, such vacancy or vacancies may be filled at any adjourned or occasional meeting of said Company by ballot and plurality of votes, and if any Treasurer, Secretary or Manager shall remove from the neighborhood and dispose of his interest in said low lands, the said Company may at any meeting declare the place of such office vacant, and elect another to fill said vacancy. At all meetings of said Company every white owner of any swamp or low grounds rateable and assessed by virtue of this act may vote if present or absent by proxy duly attested under their hands and seal.

SECTION 2. *And be it further enacted,* That the Treasurer, Secretary, or Managers chosen in pursuance of this act, at the first meeting of said Company, shall continue in office for the term of one year from the time when they shall be so chosen, and until successors to them shall be duly chosen; and the same rule shall apply to all officers elected at any meeting other than the said first meeting.

SECTION 3. *And be it enacted*, That Thomas Draper, Henry C. Cooper, James H. Beauchamp, Edwin Shaw and Henry Cowgill be and they are hereby appointed Commissioners to make a valuation of all said swamp and low ground, and the said Commissioners, or a majority of them, are hereby authorized and empowered to enter upon all the swamp and low ground belonging to the said Company, and view, examine, ascertain and determine the width and depth and location of one or more ditches and drains necessary and sufficient to drain said swamp and low grounds, the quantity held by each owner or owners, (if any be held undivided), and shall appraise and determine the benefit and advantage which each owner or joint owner as aforesaid will derive by reason of the cutting and making such ditch or ditches, drain or drains, having regard to the original or unimproved value of the same after the swamp or low lands shall be ditched or drained by the ditches or drains of said Company, so that the said appraisements and valuation may do equal justice to all the owners and possessors of said swamp and low grounds; and the said Commissioners may make all due allowances for any private ditch, ditches, drain or drains that may have been previously cut by individual enterprise, which said Commissioners may think proper to use in draining said low grounds; and the said Commissioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of said swamp or low lands, the quantity held by each owner or by joint owners, and the appraisements of the benefits, profits and advantages to be derived by each owner as aforesaid of said swamp and low grounds so by the said Commissioners to be made as aforesaid, and shall deliver one of said certificates to the Secretary of said Company, and shall return the other of said certificates unto the office of the Recorder of Deeds in and for Kent county, to be there recorded by the Recorder of Deeds for said County, which certificate shall be final and conclusive upon all parties, and shall be and remain in the true appraisalment and valuation upon which all and every tax or taxes which may be necessary to effect the purposes of this act shall be assessed, levied and raised, and a copy of the record thereof certified by the said Recorder under his hand and seal of office shall be good and sufficient evidence in all courts of justice and before all Justices of the Peace in the State. Each Commissioner, before he enters upon the duties required of him by this act, shall be sworn or affirmed, before some Judge, or Justice of the Peace, in and for Kent County, to faithfully, according to the best of his skill and judgment, exercise the duties assigned him by this act. If either of the said Commissioners shall die, resign, refuse or neglect to act before all or any of the duties assigned the Commissioners under this act are performed, the said Company may elect another to supply his place, and so as

Commissioners appointed.

Their duties.

Certificates of the Commissioners—what to show.

Where said certificates to be returned.

Copy of the record to be evidence.

Commissioners to be sworn.

Vacancies in the office of commissioners—how filled.

often as it may be necessary until all the duties of the Commissioners under this act may be completed.

Managers
authorized
to raise
money.
How, and
for what
purpose.

At annual
meetings,
Company
may deter-
mine the ad-
ditional
sums to be
raised by
way of tax.

Managers
shall make
out dupli-
cate lists of
the assess-
ments.
To whom
said lists
shall be de-
livered.

Duties of
the man-
agers.

Orders.

SECTION 4. *And be it enacted*, That for the purpose of raising the sum of money necessary to carry into execution the purposes of this act, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned to the Secretary and Recorder as aforesaid, to lay and assess upon the value of the swamp and low grounds benefitted by said ditches and drains, and mentioned in said certificates, according to and upon the value of the benefits, profits and advantages of the respective quantities or parcels of the swamp and low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said swamps and low grounds intended to be drained and reclaimed by virtue of this act; and at any annual meeting of the Company after the said ditch or ditches, drain, or drains shall have been cut and made as aforesaid, the said Company, by a plurality of votes, may determine by resolution what additional sum or sums of money ought to be raised by way of tax as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains, in good and sufficient repair, which said additional sum of money shall be levied and assessed according to the provisions hereinbefore mentioned; and the said Managers shall from time to time make out duplicate lists under their hands, of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all changes of ownership and transfers of any of said low grounds or swamps, and one of the lists shall be delivered to the Treasurer for the time being, and the other shall be delivered to the Secretary, and such assessments and lists shall be final and conclusive upon all the parties, and the said list so delivered to the Treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes in said lists mentioned. It shall be the duty of the said Managers to cut and open all such ditch or ditches, drain or drains, and prong or prongs of said ditch or ditches as the said Commissioners, by their return as aforesaid, shall direct to be cut and opened, or cause the same to be done, and cause the same to be kept open and in good repair, and generally the Managers shall carry into full effect all the directions of the Company, from time to time given to them in relation to their said trust, for which purpose the said Managers shall have power to employ such workmen as they may deem necessary to complete the work assigned to them at the common expense of the Company, and all the wages and expenses in and about said work shall be paid by orders drawn by the Managers on the Treasurer; every order shall specify the services, wages or

expenses for which it is drawn, and an exact account shall be kept by the Managers for all orders drawn by them, specifying the services or expenses for which each order was drawn, and said accounts shall be laid before the annual meeting of said Company, as said Company may direct. Each Manager, before he enters upon the duties assigned him by the requirements of this act, shall be sworn or affirmed before some Justice of the Peace of Kent County to perform the same faithfully and impartially, according to the best of his skill and judgment, of which oath or affirmation a certificate of the same, under the hand or hands of the person or persons making it, shall be made and returned to the Secretary, to be by him recorded in the books of said Company.

Accounts.

Managers to be sworn.

SECTION 5. *And be it enacted*, That the Treasurer for the time being, and every Treasurer for the time being, before he enters upon the duties of his office, shall give bond with approved surety or sureties by the Managers, to and for the use of the company by name, in a penalty to be affixed by the Managers for the time being, upon condition to be void if he shall pay all orders drawn on him by the Managers for the time being so far as he shall have funds in his hands for that purpose, and shall well and truly account for all money that shall come into his hands as such Treasurer at any annual or other meeting of said Company, or otherwise as the said Company may direct, and shall pay over any balance or sum that shall be due to his successor in office, and shall perform all the duties of his office with fidelity.

Treasurer to give bond.

SECTION 6. *And be it enacted*, That the Managers, when they lay and assess taxes, shall appoint the time for the payment of the same, and it shall be the duty of the taxables respectively to pay to the Treasurer of said Company for the time being the sum levied and assessed as aforesaid at the time appointed by the Managers as aforesaid for such payment; and in case of negligence or non-payment as before directed the Treasurer, and every Treasurer for the time being, shall have full power and authority to demand and receive, levy and make all and every the tax or taxes which shall be levied and assessed in pursuance of this act by the Managers, according to the list of assessment delivered to such Treasurer by the said Managers, in the same manner and by the same means as is prescribed by law for the recovery of county rates; and every Treasurer for the time being shall have power in the same manner to collect all taxes upon any list delivered to any former Treasurer at any time within ten years after the same shall have been due and payable, and shall be liable to pay all orders drawn upon him by the Managers aforesaid at any time within ten years from the date of said orders or the orders drawn as aforesaid upon any former Treasurer so far forth as the said Treasurer shall have in his hands funds

Taxes—how and when paid.

Neglect to pay taxes.

Power of the Treasurer to collect.

How to collect.

belonging to said Company, according to the tenor of his bond given to and in the name of said Company.

Duties of
the Secre-
tary of the
Company:

SECTION 7. *And be it enacted,* That the Secretary shall procure a certified copy of this act from the Secretary of State and record the same among the records of said Company, and record the certificate to be delivered to him by the Commissioners as aforesaid, and the list delivered to him from time to time by the Managers, and all other proceedings of said Company, which they shall direct to be recorded in a suitable book which said Secretary shall provide for that purpose, and he shall properly file all papers belonging to said Company which shall come to his hands, and the same shall be a public record for the Company to examine at any time under the supervision of said Secretary, and he shall deliver all papers and records of the said Company which may be in his hands to his successor in office when demanded; and shall be paid from the Treasurer of said Company the amount of all fees he may have to pay in procuring the aforesaid copy of this act, and a suitable book in which to record the same, and a reasonable compensation for his trouble in procuring the same; and every Secretary for the time being shall receive one cent for every twelve words recorded by him for said Company, and every Commissioner and Manager shall receive one dollar for each and every day's service in which he may be employed about the business of the said Company, and every Treasurer shall be allowed five per centum on all monies by him collected, except monies paid to him by his predecessor in office. All expenses attending the passage of this act shall be paid by the Managers out of the funds of the Company by draft upon the Treasurer.

Compensation of Secretary, Commissioners, Managers and Treasurer.

Suits—how brought.

SECTION 8. *And be it enacted,* That suits may be brought and prosecuted in the name of the said "The Hudson Branch Ditch Company," upon any bond given to said Company, or for any damages done to the ditch or ditches, drain or drains of said Company.

Injuries to the ditches of the Company.

SECTION 9. *And be it enacted,* That if any person or persons shall wilfully fill up or obstruct the ditch or ditches, drain or drains of said Company, or shall wilfully obstruct or impede the course of the water from running down the same, every person so offending shall be liable to pay to the Treasurer of said Company, or his successor in office, for the use of said Company, the sum of fifty dollars, to be recovered by said Treasurer in the same manner and by the same means as rates and taxes are recovered in the foregoing provisions of this act.

Penalty for how recovered.

Right to cut other ditches or drains.

SECTION 10. *And be it enacted,* That every owner of swamp or low grounds, rateable and assessed by virtue of this act, shall from time to time have the right and privilege to discharge the water from their respective lands into the ditches or drains of the

Company, by ditches or drains to be cut and opened through the swamp or low grounds of other owners or possessors, in such place or places and of such width and depth as the Commissioners for the time being shall lay out and prescribe. Such owners or possessors shall contribute such portion of the expenses of cutting, opening and keeping open said ditch or ditches as the Commissioners shall direct, to be recovered by the same manner and by the same means as are hereinbefore prescribed for the collection of taxes in Section Six of this Act, and the Commissioners so laying out any such ditch or ditches shall make return of all their proceedings in and about the said service to the Secretary of said Company, to be by him recorded, and such owners and possessors to whom such ditch or ditches will be advantageous shall pay to each Commissioner so employed the sum of one dollar for each and every day's service in laying out said ditch or ditches, and pay to the Secretary one cent for every twelve words for recording the same. Every owner shall have free privilege to cut, open and keep in repair any ditch or ditches through his or their own swamp or low grounds into any ditch or ditches of said Company.

How to be cut.

The expenses of opening—how paid.

Commissioners to make return of the laying out of such ditches.

Return to be recorded by Secretary of Company.

Compensation of commissioners and Secretary.

SECTION 11. *And be it enacted*, That the election to be held under this act, on the first Saturday of May next, shall be conducted by and under the government of the Commissioners appointed by this act, and they and their successors in office shall be and continue an incorporate company, known as "The Hudson Branch Ditch Company," with all the provisions and authority given them in the several sections of this act, for the term of twenty years from the passage of this act.

First election—how conducted.

Company incorporated.

Name.

Power.

SECTION 12. *And be it further enacted*, That whenever a vacancy shall occur, by reason of death, resignation or otherwise in said Board of Commissioners, said vacancy shall be filled by a plurality of the votes of taxables present at any annual or stated meeting of said Company, and that upon the application to the said before named Commissioners or their successors in office, by one or more of the owners of the swamp or low grounds in said neighborhood, the said Commissioners, or a majority of them may, in their discretion, lay out and direct to be cut and opened, a ditch or ditches, prong or prongs leading into the ditches of said Company that would conduct the water from said low grounds or swamps into the Hudson Branch or any other natural water course leading to the Delaware Bay.

Vacancies in the Board of Commissioners—how filled.

Upon application ditches may be opened to conduct water into Hudson branch.

SECTION 13. *And be it enacted*, That this act shall be a public act, and the power to revoke or annul the same is hereby expressly reserved to the Legislature. *Provided*, That the said Company hereby incorporated shall not connect any ditch authorized to be cut by this act with the present Hudson Branch Ditch or the tributaries thereof at any point south of the public road leading from Frederica to White Hall.

Public act.

Revocation.

Proviso.

Passed at Dover, March 17, 1865.

CHAPTER 574.

Rev. Code, 466. *An Act to amend Section 32 of Chapter 125 of the Revised Statutes of the State of Delaware.*

Section 32, Chapter 125, Rev. Stat. amended. How. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Chapter 125 of the Revised Statutes of the State of Delaware be and the same is hereby amended in Section 32, by striking out the word "eight," after the word "State," in the eighth line,* and insert in lieu thereof the word "ten."*

Future publication. SECTION 2. *And be it further enacted, That in all editions of the laws hereafter to be published the said chapter and section shall be published as hereby amended.*

Passed at Dover, March 17, 1865.

* Should be "seventh line," but the enrolled bill states as above.

CHAPTER 575.

An Act for the improvement of Morgan's Branch, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein,) as follows:

Owners to form a company. SECTION 1. That the owners of the low ground, marsh and cripple situated upon and contiguous to Morgan's Branch, in Kent County and State of Delaware, commencing at the middle of the bridge over said Morgan's Branch, on the road leading through the farm owned and occupied by Jackson Lafferty, and thence down the said branch to its intersection with Little Creek, shall compose a company to be called, "The Morgan's Branch Ditch Company," for the purpose of effectually draining, ditching and reclaiming the said low grounds, marsh and cripple, and straightening the course of the said Morgan's Branch.

Name. Objects.

Commissioners to lay out ditches. SECTION 2. That Doctor H. Ridgely, Jacob M. Hill and John C. Pennewill are hereby appointed Commissioners who shall view the premises and lay out such ditch or ditches as they may deem necessary for the purpose of draining said low grounds, marsh and cripple, and straightening said Morgan's Branch. If they think it necessary, they may take with them a competent

surveyor. They shall make out a plot and return, showing the dimensions, courses and distances of the ditch or ditches, and straightening of said branch, and by general delineation, without survey, the bounding lines of the low grounds and of each taxable portion thereof, or of any land benefited, and the estimated number of acres. The said plot and return shall be lodged in the Recorder's office and be by him recorded. The Commissioners, and Surveyors if any be chosen, shall be sworn or affirmed to the faithful and impartial discharge of duty. All the Commissioners must act, but a majority may decide any matter. In case of a vacancy occurring in the Commissioners by death, resignation, or refusal to act, or otherwise, the others or other may fill the vacancy or vacancies.

Plot.
Return of plot.

Commissioners and surveyor to be sworn.

Vacancies—how filled.

SECTION 3. If any person shall be injured by the making of any such ditch, or straightening of said branch, the Commissioners shall award such persons damages to the amount of such injury, and the same shall be paid or tendered before cutting the ditch or straightening the said branch. All persons who will be benefitted by said ditch or ditches, or straightening said branch, shall be liable to contribute to the cost of making or straightening the same, and to the damages awarded, and the expenses of the proceedings, and the recording the same. The Commissioners shall determine who will be benefitted, and shall apportion the said costs, damages and expenses upon them, according to such benefit.

Damages to be awarded

Who shall contribute.

Apportionment of costs and damages.

SECTION 4. If any public road, crossed by such ditch, or by the branch straightened under the provisions of this act, will be benefitted so that the public ought to make and maintain a bridge over the same, the Commissioners shall so state in their return, and such bridge shall be made and kept up at the public charge.

Bridges across public road.

SECTION 5. The Commissioners shall, within ten days from the making of their return to the Recorder, convene the persons liable to contribute to any ditch or improvement embraced therein, for the purpose of choosing two Managers and a Treasurer of the Company for one year, and until others shall be chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighborhood five days at least before the meeting. The Managers shall annually thereafter, in the same manner, call a meeting for the same purpose, on the third Saturday in March. At all meetings the white taxables present shall be entitled to cast one vote for every dollar of tax paid by them respectively.

First meeting to choose officers.

Notice.

Annual meetings.

Voters.

SECTION 6. The return made by the Commissioners shall remain in force for five years as the basis of any subsequent assessment that may be made by the Managers for completing,

Return to be valid for five years.

New assessment—how had.

Such assessment to be valid for five years.

Managers—duty of.

Tax may be discharged by work.

Treasurer—powers and duties. Bond.

Settlement of his acc'ts.

Compensation.

Commissioners and managers—how paid. Recorder's fee.

Surveyor's allowance.

Company incorporated.

Name. Powers.

Obstructions to ditches.

Penalty.

cleansing or repairing the ditch or ditches or other necessary purposes. After five years a new assessment may be had by application of three or more taxables to any Judge of the State, or to the Chancellor, who is hereby authorized to appoint three Commissioners to make said new assessment. Said new assessment when made shall be returned and recorded as the original return, and shall stand as the basis of assessment for five years, and until another new assessment shall in like manner be made.

SECTION 7. The managers shall proceed to make and open the ditch or ditches laid out, and make the other improvements of said branch designated by the said Commissioners, and may cleanse and repair the same when necessary, and shall have all needful power for that purpose. They shall keep regular accounts of all expenditures and render the same to the Company at their annual meeting. All payments shall be made by orders drawn by them on the Treasurer. Any person assessed for a tax may discharge the same by work done by direction of the Managers, and their certificate shall be received by the Treasurer in payment of the tax.

SECTION 8. The Treasurer shall collect all sums assessed as aforesaid, and shall have the same power for making such collection as a collector of county rates. He shall give bond to the Company with surety, to be approved by the Managers, in double the amount of the taxes to be by him collected, conditioned for the faithful performances of his duty, and for the payment to his successor of any money due from him. He shall settle with the Company at the annual meeting, and shall be entitled to retain five per cent. of the amount received by him as his compensation.

SECTION 9. Each Commissioner and Manager shall be allowed, and shall be paid by the Company, one dollar for every day actual expenses in discharge of his duties. The Recorder shall be paid one cent for every ten words he may record, and two dollars for copying the plot. The Surveyor, if any be employed, shall receive two dollars for each days service on the premises and ten dollars for making the plot and return.

SECTION 10. The said Company is hereby created and declared to be a body public and corporate, under the name of "The Morgan's Branch Ditch Company," and under and by that name shall be able to sue and be sued, plead and be impleaded in any court of law or equity in this State; and shall have, possess and enjoy all the rights, incidents, privileges, liberties, franchises and immunities common to such corporations.

SECTION 11. If any person shall stop up or obstruct any ditch cut under this act, or any improvement made in pursuance of this act, he shall forfeit and pay to the Managers who may recover the same in the name of the Company, and for its benefit, as

debts of a like amount are recoverable, a sum not less than twenty nor more than one hundred dollars.

SECTION 12. The power to revoke this act is hereby reserved to the Legislature. Power of revocation.

Passed at Dover, March 17, 1865.

CHAPTER 576.

An Act to incorporate the Washington Hotel Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,)* That James C. Bird, James L. Heverin, Henry Todd, William A. Atkinson, John C. Pennewill and all such persons as shall associate themselves together for the purpose of building a hotel or hotels, and the necessary appurtenances for public accommodation in the town of Dover, be and they are hereby created and made a corporation, and as such shall be invested and clothed with all the powers necessary for the purpose aforesaid, and be subject to such responsibilities and liabilities as corporations in general usually are. The name of such corporation shall be "The Washington Hotel Company," and by that name it shall act, and shall be dealt with and proceeded against in law or in equity. Its capital stock shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each. Rules for its own government may be enacted by by-laws or regulations to be adopted at its first or any subsequent meeting. Whenever one thousand dollars to the stock of said corporation have been subscribed and agreed to be paid to any person for the use of such corporation, and such subscription shall bind the subscribers to pay to that person on demand the amount of their subscription, then the said corporation may go into operation. Company incorporated.
Corporate powers.
Name.
Capital stock.
By-laws.
When the corporation may go into operation.

Passed at Dover, March 17, 1865.

CHAPTER 577.

An Act for the Payment of Claims against the State.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby authorized and directed to pay the following claims:
- State Treasurer authorized to pay claims.** To J. H. Bewley, for putting halyards on flag-staff over the Capitol, fifteen dollars, in full, to date.
- J. H. Bewley.**
- L. R. Jacobs.** To L. R. Jacobs, late State Treasurer, for extra services and expenses, two hundred and sixty-two dollars and ninety-eight cents, in full, to date.
- A. J. Calley.** To A. J. Calley, late Auditor of Accounts, for copy of accounts to General Assembly, and stationery, fifty dollars, in full to date.
- Daniel Trump.** To Daniel Trump, for repairing gas fixtures for State House, twelve dollars and seventy cents, in full, to date.
- W. H. Hutchins.** To William H. Hutchins, for printing, fifty-five dollars, in full, to date.
- J. B. Riggs.** To James B. Riggs, for printing, thirty-seven dollars and fifty cents, in full, to date.
- R. D. Hoffecker.** To R. D. Hoffecker, for printing, seventy-six dollars and ninety-three cents, in full, to date.
- C. P. Johnson.** To C. P. Johnson, for printing, one hundred and nine dollars and sixty cents, in full, to date.
- J. C. Pennewill.** To J. C. Pennewill, for attendance on Court of Errors and Appeals, six dollars, in full, to date.
- James Kirk.** To James Kirk, for printing, one hundred and nine dollars and eighty cents, in full, to date.
- Henry Eckel.** To Henry Eckel, for printing, forty dollars, in full, to date.
- W. T. Croasdale.** To W. T. Croasdale, for printing, eighty-five dollars and sixty-five cents, in full, to date.
- Allen & Biddle.** To Allen & Biddle, for printing, twenty-eight dollars and twenty-five cents, in full, to date.
- C. Tunnell.** To Charles Tunnell, for printing, fifteen dollars, in full, to date.
- G. W. Vernon.** To George W. Vernon, for printing, two hundred and eighty-five dollars and twenty-five cents, in full, to date.
- S. C. Letherbury.** To S. C. Letherbury, for attendance on Court of Errors and Appeals, ten dollars and fifty-one cents, in full, to date.
- S. M. Harrington.** To S. M. Harrington, Jr., for books of office as Adjutant General, thirty-three dollars and ninety-seven cents, in full, to date.
- L. M. Stidham.** To L. M. Stidham, late Sheriff of New Castle County, for serving requisition on Governor of New York, one hundred and sixty dollars, in full, to date.

To E. L. Martin, for indexing and superintending Journals of extra and adjourned sessions of Legislature, January, 1865, two hundred and fifty dollars, and in

Passed at Dover, March 17, 1865.

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CHAPTER 578.

A Supplement to the Act entitled, "An Act to enable the citizens of the Town of South Milford, in Sussex County, to keep in repair the public roads in said town and vicinity," passed at Dover, March 2d, 1855. 11 Vol. 319.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the Commissioners of the Town of South Milford are hereby authorized and required to see that the side-walks of said town are kept in good repair, and for this purpose it shall be their duty to notify the owners of houses or lots in said town, (when said owners reside in the town or vicinity,) if any repairs in their judgment required; and if said owner or owners refuse or neglect to make such repairs, then it shall be the duty of said Commissioners, or any one of them, to enter upon and perform said repairs, the cost of which shall be paid said Commissioners by the owner or owners of the houses or lots in front of which said repairs are made; and, upon the refusal by said owner or owners to pay said costs, the same may be recovered before a Justice of the Peace, as other small debts are recovered at the suit of said Commissioner or Commissioners. Powers of commissioners in relation to side-walks.

SECTION 2. *Be it enacted by the authority aforesaid, That all* inconsistent acts or parts of acts inconsistent with this act be and the same *are hereby repealed.* inconsistent acts repealed.

Passed at Dover, March 17, 1865.

CHAPTER 579.

An Act to Prevent certain Animals running at large within the limits of School District No 47, of New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:—

Certain animals prohibited from running at large in school district No. 47, New Castle County.
Seizure.

SECTION 1. It shall not be lawful for any horse, or animal of the horse kind, or cattle, or animal of the cattle kind, to run at large within the limits of School District No. 47 of New Castle County.

Notice to owner.

SECTION 2. Any white inhabitant of said district may, upon view, seize any such animal so found at large and impound the same. He shall forthwith give notice to the owner or last possessor, if known, but if he be unknown, then he shall post notices in three public places of said school district, describing the animal impounded, and by whom the seizure has been made.

Sale.

If the animal shall remain unreclaimed for the space of five days after the impounding, he shall cause the same to be sold on five days notice, by advertisements posted in five public places of the neighborhood, and the proceeds of sale, after deducting one dollar for impounding, twenty-five cents per day for keep, and all expenses, shall be paid to the school committee of said district.

Proceeds—how applied

Redemption.

SECTION 3. If the owner or person entitled to the possession of any animal so impounded shall, before the sale, pay to the person impounding one dollar for impounding, and twenty-five cents per day for keep, and if advertisements of sale be prepared or posted, shall also pay all expenses accrued, the animal shall be restored to him. But if such payment, or tender thereof be not made, the person impounding shall retain possession of the animal before the sale, and after the sale the title of the purchaser thereto shall be good against the former owner or any other person whomsoever.

Failure to redeem.
Title of purchaser.

Penalty on owners of diseased horses for suffering them to run at large.

SECTION 4. If the owner or keeper of a horse, or animal of the horse kind, having glanders, distemper, or any contagious disease, shall knowingly suffer such animal so diseased to run at large within the limits of School District No. 47 of New Castle County, he or she so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall pay a fine not exceeding one hundred dollars.

Passed at Dover, March 22, 1865.

CHAPTER 580.

An Act to appropriate the monies in the Treasury of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, That* the monies now in or hereafter to be paid into the Treasury of this State shall be applied in the following manner, that is to say: So much thereof as may be necessary shall be applied to the payment of the salaries due and to become due, and to the Governor, Chancellor, Judges of the Superior Court, Attorney General, Secretary of State, State Treasurer and Auditor of Accounts up to the first Tuesday of January eighteen hundred and sixty-seven; and so much thereof as may be necessary shall be applied to the payment of the daily allowance to the members of the Legislature, their Clerks, and other expenses, and for printing the Laws and Journals of the Senate and House of Representatives, and the residue thereof to the payment of any sums of money for which provision shall be made by law.

Money in
Treasury of
State.

How appro-
priated.

Passed at Dover, March 23, 1865.

RESOLUTIONS.

CHAPTER 581.

Joint Resolution appointing Joint Committee to wait upon the Governor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of two on the part of the Senate be appointed to act jointly with a like committee on the part of the House, to wait on his Excellency the Governor, and inform him that a quorum of both Houses of the Legislature has convened, duly organized, and are ready to receive any communication he may see proper to make.

Joint Committee to inform the Governor of the organization of the Legislature.

Adopted at Dover, January 3, 1865.

CHAPTER 582.

Joint Resolution of Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn this morning they will adjourn to meet on Tuesday next, the 10th instant, at 10 o'clock, A. M.

Adjournment of Legislature.

Adopted at Dover, January 4, 1865.

CHAPTER 583.

Joint Resolution appointing Joint Committee on Rules for the Government of the two Houses.

Joint Committee on rules for the government of the two Houses.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That there be appointed a joint committee of two on the part of the Senate, and three on the part of the House, to prepare joint rules for government of the intercourse between the two Houses.

Adopted at Dover, January 10, 1865.

CHAPTER 584.

Joint Resolutions upon the death of William Tharp, Esquire, Ex-Governor of the State.

Resolutions upon the death of Ex-Governor, Wm. Tharp.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the members of the General Assembly have heard with unfeigned regret the announcement of the death of William Tharp, one of the Ex-Governors of this State, whose private virtues and official integrity were known and appreciated by his fellow citizens, who honored him while living and will cherish his memory now that he is no more.

Sympathy for family of deceased.

Resolved, That we tender to his family the assurance of the sympathy of this General Assembly and the people of this State in their bereavement.

Copy of resolutions transmitted to family.

Resolved, That the Clerks of the respective Houses be and they are hereby directed to send a copy of the foregoing resolutions to the family of the deceased.

Resolved, That the two Houses will now adjourn till to-morrow morning at 10 o'clock.

Adopted Dover, January 10, 1865.

CHAPTER 585.

Joint Resolution to appoint a Committee of three on the part of the House, and two on the part of the Senate, to examine the accounts of the State Treasurer, to report to the General Assembly on or before the first day of February, 1865.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a Committee to consist of three members on the part of the House of Representatives and two members on the part of the Senate, be appointed to examine the accounts of the State Treasurer, and make report to the General Assembly on or before the first day of February next.

Adopted at Dover, January 12, 1865.

CHAPTER 586.

Joint Resolution in relation to the Act of Congress donating Public Lands for the benefit of Agriculture and the Mechanic Arts.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That our Senators and Representative in Congress are respectfully requested to use their influence to secure such amendment to the Act of Congress entitled, "An Act donating public lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862, as shall enable this State to express its acceptance thereof by the Legislature at any time not exceeding two years after such amendment.

Resolved, That a copy of the foregoing resolution, signed by the Speakers of the two Houses, and attested by the respective Clerks, be forwarded to each of our Senators and Representative in Congress.

Adopted at Dover, January 18, 1865.

CHAPTER 587.

Joint Resolution for the meeting of both Houses on Tuesday Morning, January 24th, at 11 o'clock, for the purpose of Electing a United States Senator.

Resolution
for the meet-
ing of both
Houses to
elect United
States Sena-
tor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the two Houses of the General Assembly meet in the Hall of the House of Representatives, in joint meeting, on Tuesday, the 24th inst., at 11 o'clock, A. M., for the purpose of electing by ballot or choosing a Senator from this State in the Senate of the United States for the constitutional term to commence on the fourth day of March next ensuing.

Adopted at Dover, January 24, 1865.

CHAPTER 588.

• *Joint Resolution Appointing State Treasurer.*

L. Tharp
appointed
State Treas-
urer.

Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate,) That Llewellyn Tharp, of Kent county, be and he is hereby appointed State Treasurer.

Adopted at Dover, January 26, 1865.

CHAPTER 589.

Joint Resolution Appointing Auditor of Accounts.

Robert G.
Ellegood ap-
pointed
Auditor of
Accounts.

Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate,) That Robert G. Ellegood be and he is hereby appointed Auditor of Accounts.

Passed at Dover, January 26, 1865.

CHAPTER 590.

Joint Resolution of inquiry into the affairs of the Junction and Breakwater Railroad Company.

WHEREAS a bill proposing to give the aid of this State to the Junction and Breakwater Railroad Company, in order to enable said Company to finish their road is now pending before this General Assembly, Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the President and Directors of the Junction and Breakwater Railroad Company be and they are hereby requested to lay before the General Assembly, at as early a date as may be convenient, a full and complete statement of the affairs of the Company, setting forth clearly the length of the whole road, what number of miles have been completed and are in running order, what number of miles are partly finished, the estimated cost of the whole road, together with the necessary buildings, engines, cars, &c., to put the whole road in working order, what amount of money has been expended to put the road in its present condition, what amount of stock has been subscribed, and what proportion of the same has been paid in, together with all other means and assets now in their possession or at their disposal, the present indebtedness of the Company, together with any other information in their possession which they may deem useful to the General Assembly and bearing upon the subject.

Resolved, That the Clerk of the Senate be and he is hereby directed to forward to the President of the Junction and Breakwater Railroad a copy of the foregoing preamble and resolution, duly certified, with as little delay as possible.

Adopted at Dover, January 27. 1865.

CHAPTER 591.

Joint Resolution allowing extra compensation to State Treasurer.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of two hundred and twenty-seven dollars and twenty cents (\$227.20,) be allowed State Treasurer Loxley R. Jacobs as extra compensation for services rendered.

Adopted at Dover, February 1, 1865.

CHAPTER 592.

Joint Resolution in relation to the proposed Constitutional Amendment prohibiting slavery or involuntary servitude within the United States.

Preamble

WHEREAS, in pursuance of the fifth article of the Constitution of the United States, the Senate and House of Representatives of the United States, in Congress assembled, by a resolution passed at the second session of the thirty-eighth Congress, begun and held at the city of Washington on Monday, the fifth day of December, A. D. 1864, have proposed a certain article of amendment to the said Constitution for the consideration of the legislatures of the several States, which said proposed article of amendment is in the following words and figures, to wit:

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

AND WHEREAS the Governor of this State has, in a special message, submitted said proposed amendment to the consideration of this General Assembly;

AND WHEREAS this General Assembly regards said proposed amendment to the Constitution of the United States as violative of the reserved rights of the several States, contrary to the principle upon which the government was framed, and believes, if adopted as a part of the Constitution, it will form an insuperable barrier to the restoration of the seceded States to the Federal Union; Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the members of this General Assembly hereby declare their unqualified disapproval of said proposed amendment to the Constitution of the United States, and hereby refuse to adopt and ratify the same.

Amendment
rejected.

Adopted at Dover, February 8, 1865.

CHAPTER 593.

Joint Resolution providing for the contingent expenses of the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to the Secretary of State the sum of four hundred dollars, to be by him applied to the payment of the contingent expenses of his office for the current year and the year next ensuing, an account of which shall be submitted to the General Assembly at its next biennial session.

State Treasurer directed to pay Secretary State \$400 for contingent expenses.

Adopted at Dover, February 10, 1865.

CHAPTER 594.

Joint Resolution in regard to Destroying the Exchanged State Bonds.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That John H. Bewley and John F. Williamson, on the part of the Senate, and James Stuart, Henry C. Douglass and John A. Duncan on the part of the House of Representatives, be and they are hereby appointed a Joint Committee for the purpose of burning or destroying the exchanged bonds returned to this General Assembly by the State Treasurer, which said bonds were ordered to be destroyed under the provisions of an act of the General Assembly, passed at Dover, October 27, 1864.

Committee appointed to destroy exchanged State bonds

Adopted at Dover, February 16, 1865.

CHAPTER 595.

Joint Resolution directing the Clerks to have published in certain newspapers the act entitled, "An Act to relieve the people of this State from draft," passed at Dover, February 16, 1865.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerks of the two Houses be and they are hereby directed to cause to be printed for the space of one month in the "Delaware Gazette," "Delaware Republican," and "Delawarean," a duly certified copy of the bill entitled, "An Act to relieve the people of this State from draft," passed at Dover, February 16, 1865.

Adopted at Dover, February 24, 1865.

CHAPTER 596.

Joint Resolution with respect to the death of His Excellency, William Cannon, late Governor of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That as a mark of respect to the memory of His Excellency, William Cannon, late Governor of the State of Delaware, whose death has just been officially announced, the members of both Houses of this General Assembly will attend in a body the funeral of the deceased, from his late residence, at Bridgeville, Sussex County, on Friday afternoon next, at 3 o'clock.

Members of
General Assembly
to attend funeral.

Resolved, That the members of this General Assembly tender their condolence to the family and relatives of the deceased in this bereavement.

Condolence
to family.

Resolved, That a copy of the above resolutions, duly prepared and signed by the respective clerks, be furnished to the family of the deceased.

Copy of resolutions
to be transmitted
to family

Adjournment.

Resolved, That the respective Houses do now adjourn until Monday evening, the 6th inst., at 8 o'clock.

Adopted at Dover, March 1, 1865.

CHAPTER 597.

Joint Resolution directing the State Treasurer to pay a certain sum of money to the Treasurer of the Pennsylvania Institution for the instruction of the Deaf and Dumb.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to pay to F. Mortimer Lewis, Treasurer of the Pennsylvania Institution for the instruction of the Deaf and Dumb, the sum of three hundred and thirty-nine dollars and seventy-five cents, in full for the extra expenses incurred in the instruction of pupils from this State in said institution for the years 1863 and 1864.

State Treasurer authorized to pay \$339.75, to Treasurer of Pennsylvania Institution for the Deaf and Dumb.

Adopted at Dover, March 7, 1865.

CHAPTER 598.

A Resolution in relation to the Law Library.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Chief Justice of the State be and he is hereby authorized and requested to cause to be made annually, additions to the State Law Library of such books as, in his judgment, are and will be needed therein for the use of the Courts of this State, and which cannot be procured through the medium of State exchanges ; and that he have power to draw on the State Treasurer, from time to time, for the money expended by him in the purchase of said books. *Provided*, the sum to be drawn annually shall not exceed one hundred and fifty dollars.*

Chief Justice authorized to make additions to State Law Library.

Provided

Resolved, That the said sum of one hundred and fifty dollars be and the same hereby is appropriated annually, commencing with the present year, for the purpose aforesaid.

Appropriation.

Passed at Dover, March 8, 1865.

CHAPTER 599.

Joint Resolution to meet the increased expenses of publishing the Sixth Volume of the Judicial Reports of this State.

Preamble.

WHEREAS the provision now made by law for the publication of the reports of the adjudged cases in the several Courts of this State is, owing to the largely increased price of materials and the wages of those engaged in the printing art, wholly inadequate to secure the object; AND WHEREAS this General Assembly has been informed by the Associate Judge of the Superior Court resident in Kent County, and, *ex officio*, State Reporter, that he has prepared, and has now ready for publication, sufficient matter for the sixth volume of said Reports; AND WHEREAS it is important to the proper administration of justice that the precedents established by our Courts should be accessible not only to those engaged in the interpretation and execution of the laws, but to all the officers of the said Courts and to the people of the State; Therefore,

\$500 appropriated to meet increased expense of publishing 6th Vol. of Reports.

Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That in addition to the price paid for the one hundred copies of the Reports of Judicial Decisions, required by law to be deposited in the State Library by the Associate Judge of the Superior Court resident in Kent County, the further sum of five hundred dollars is hereby appropriated to meet the increased expense of publishing the sixth volume of said Reports; and, upon the certificate of the Secretary of State that one hundred copies of the said sixth volume have been deposited in the State Library, the Governor shall draw an order on the State Treasurer, in favor of the Hon. John W. Houston, Associate Judge of the Superior Court, resident in Kent County, for the sum of one thousand dollars, being the aggregate of the sums appropriated by Chapter 27 of the Revised Code and by this Resolution.

Passed at Dover, March 8, 1865.

CHAPTER 600.

Joint Resolutions appointing Committee to settle with the State Treasurer and Auditor of Accounts.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That Messrs. James Ponder and John H. Bewley, on the part of the Senate, and Messrs. Stuart, Douglass and Duncan, on the part of the House of Representatives, be and they are hereby appointed a committee on the part of this General Assembly, whose duty it shall be to meet at Dover, on the third Tuesday of January next, A. D. 1866, for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Legislative Committee appointed.

Their duties.

Resolved, That it shall be the duty of the said Committee, after their settlement with the State Treasurer, as aforesaid, to cause a statement of such settlement, under their hands, or the hands of a majority of them, to be published in two of the newspapers printed in the State for the space of one month from the time [of] effecting the same.

Statement of their settlement to be published.

Resolved, That the said Committee have full power and authority to audit the account of the Clerk of the Senate and the Clerk of the House of Representatives, for superintending the printing of the Journal of the Houses of the Legislature during the present session and for making indexes thereto; also the accounts of the Secretary of State for superintending the printing of the acts of the present session and making index to the same, and to make such allowances for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer, upon orders drawn by the Chairman of the said Committee in favor of said Clerks and Secretary of State respectively.

To settle accounts of Clerks of both Houses and Secretary of State, in relation to superintending printing of the journals and the laws.

Resolved, That the said Committee shall receive the same compensation as is by law allowed to the members of this General Assembly, to be paid by the State Treasurer, upon order drawn by the Chairman of said Committee, out of any money in the hands of the said State Treasurer not otherwise appropriated; and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee, to be paid in like manner.

Compensation to the committee.

How paid.

Passed at Dover, March 9, 1865.

CHAPTER 601.

Joint Resolution authorizing and directing the State Treasurer to procure an Iron Safe and rent an office, &c.

State Treasurer authorized to procure iron safe.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby authorized and directed to procure for the use of his office, for the better security and preservation of the the books and papers of his office, a suitable Iron Safe, at a cost not exceeding the sum of three hundred dollars, and pay for the same out of any funds in his hands belonging to the State.

To rent an office.

Resolved, further, That he be and is hereby authorized to procure, on the best terms he can, a suitable office in the town of Dover, in which to place said Iron Safe, and to be used as a State Treasurer's office; and that he be, and is hereby authorized to use any money in his hands for the payment of the rent of said office.

Adopted at Dover, March 15, 1865.

CHAPTER 602.

Joint Resolution directing the State Treasurer to pay the members of this General Assembly in Gold, or its equivalent in currency.

Preamble

WHEREAS in consequence of the great depreciation in the value of the currency of the country, and the prices of labor, provisions and produce of every kind and description, together with the rates of travel and taxes having advanced to more than double what they were when we had a uniform currency, based upon specie; AND WHEREAS Section 15 of Chapter 29 of the Revised Statutes of this State directs that "the State Treasurer shall not receive in payment of taxes anything but gold and silver coin, or the notes of specie paying banks," it is therefore evident that the fees fixed by law for the members of the General Assembly was upon a specie basis, wherefore if the members are paid in a depreciated currency the true intent and meaning of the law will not be fulfilled, Therefore,

State Treasurer directed to pay members of General Assembly in coin or its equivalent

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the State Treasurer be and he is hereby directed to pay to the members of this General Assembly their *per diem* and mileage in gold or silver coin, or its equivalent in bank notes or greenbacks.

Passed at Dover, March 15, 1865.

CHAPTER 603.

Joint Resolution in reference to Railroad Corporations existing by authority of this State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That all orders or arrangements made by railroad corporations existing by authority of this State, by which persons removing into this State are charged a less rate of fare or of freight than resident citizens are required to pay, are an injudicious exercise of corporate authority and calculated to excite hostility on the part of the people against valuable public improvements.

Adopted at Dover, March 16, 1865.

CHAPTER 604.

Joint Resolution concerning the Contingent Expenses of the office of Secretary of State.

WHEREAS the General Assembly of this State, at its present session, by joint resolution, appropriated the sum of four hundred dollars to S. M. Harrington, Jr., to pay the contingent expenses of the office of Secretary of State, during the present and ensuing year, with a requirement that he should settle his account for the expenditure thereof with the Legislature of said State at its next session; AND WHEREAS by reason of the death of the Governor of this State, since the making of said appropriation, the said S. M. Harrington, Jr., has ceased to be Secretary of State, after having drawn said appropriation, Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the said S. M. Harrington, Jr., present his accounts and vouchers forth with to this General Assembly, for settlement, so that any balance remaining in his hands may be paid over to his successor in office to be used for the purpose designed by said appropriation.

Resolved further, by the authority aforesaid, That the Clerk of the House inform S. M. Harrington, Jr., of the adoption of this resolution.

Passed at Dover, March 16, 1865.

CHAPTER 605.

Joint Resolution in relation to the refunding of commutation money paid by citizens of this State.

Preamble.

WHEREAS his Excellency, the Governor, has communicated to the Speaker of the Senate, for the information of the General Assembly, a communication dated the 13th instant, received by him from the Clerk of the Commissioners appointed by an act of the General Assembly passed at the present session entitled, "An Act to relieve the people of this State from draft," by which [it] appears that the General Government, through the War Department, is refunding to citizens of this State the commutation money paid by them under the provision, since repealed, of an act of Congress allowing such commutation by persons liable to draft, and who were afterwards drafted and put in substitutes, the said commutation money being the sum of three hundred dollars; AND WHEREAS this General Assembly, by an act passed at the session A. D. 1864, authorized the State Treasurer to pay over to citizens of this State liable to draft the sum of two hundred dollars each to aid them in raising the said commutation money, and the State is therefore in justice and equity entitled to have the said commutation money so furnished refunded to her by the General Government, so that she may reimburse herself the expense so incurred by her; AND WHEREAS it is deemed advisable that an agent be appointed to represent the interest of the State in the respect above mentioned to the General Government, Therefore,

Commissioners authorized to request Hon. George R. Riddle to proceed to Washington—for what purpose.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Commissioners above referred to be and they are hereby authorized and directed to request the Hon. George R. Riddle to proceed to the seat of government at Washington, and represent to the proper officers of the Government the rights and claims of this State in the premises, and procure an order, or other necessary warrant, for the refunding of the whole commutation money in every case referred to in the preamble hereof to the Commissioners aforesaid, or otherwise to secure the same so that it shall be under the control of the State, and the Commissioners aforesaid are hereby authorized to draw on the State Treasurer for the amount of expenses incurred by the Hon. George R. Riddle in the performance of such service.

His expenses—how borne.

Commutation money, when received—how disposed of.

Resolved, That the said Commissioners shall, immediately upon the receipt of the said commutation money, pay over to each commutator within the premises of the foregoing resolution one hundred dollars of the money so received as the part thereof furnished by him.

Resolved, That a copy of the foregoing preamble and resolution be forthwith made out, signed by the Speakers of the separate Houses, and being duly certified by the Clerk of each House, be delivered to said Commissioners for their government in the premises.

Copy of resolution to be delivered to commissioners.

Adopted at Dover, March 17, 1865.

CHAPTER 606.

Joint Resolution directing the publication of the Journals and the mode of compensation.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Clerk of the Senate, and the Clerk of the House of Representatives, be and they are hereby authorized and directed to have published in the manner prescribed by Section 4 of Chapter 4 of the Revised Statutes of the State, 300 copies of the Journal of the Senate, and 300 copies of the Journal of the House of Representatives, advertising for three weeks, for proposals, as prescribed in section and chapter aforesaid, and when the said journals shall have been printed and approved by said Clerks, they shall certify that fact to the Speakers of the respective Houses of the General Assembly, who shall thereupon draw orders upon the State Treasurer in favor of the person or persons who shall have printed said journals, and the State Treasurer is hereby authorized and directed to pay such orders out of any money not otherwise appropriated.

Clerks directed to publish Journals.

Speakers to draw warrants on State Treasurer.

Adopted at Dover, March 17, 1865

CHAPTER 607.

Joint Resolution adjourning the two Houses of the General Assembly until Wednesday next at 8½ o'clock, P. M.

Adjourn-
ment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn this afternoon they adjourn to meet on Wednesday next, at 8½ o'clock, P. M.

Adopted at Dover, March 17, 1865.

CHAPTER 608.

Joint Resolution appropriating Five Hundred Dollars to pay the contingent expenses of the office of Secretary of State.

Contingent
expenses of
Secretary of
State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the sum of five hundred dollars be and the same is hereby appropriated and made payable to Custis W. Wright, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year and that he be required to present his accounts and vouchers to the General Assembly of this State, at its next session, for settlement.

Adopted at Dover. March 23, 1865.

CHAPTER 609.

Joint Resolution in relation to the fees of the Secretary of State.

Secretary of
State au-
thorized to
charge \$1.00
for the im-
pression of
the Great
Seal.
When.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That the Secretary of State be and he is hereby authorized and empowered to charge and collect one dollar for any impression of the great seal when used in commissioning public officers.

Adopted at Dover, March 23, 1865.

Joint Resolution, rescinding Joint Resolution in relation to the contingent expenses of the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,

That the joint resolution concerning the contingent expenses of the office of the late Secretary of State be and the same is hereby rescinded, the Secretary of State having, previous to the passage of said resolution, settled all his accounts with the State Treasurer and with the present Secretary.

Joint Resolution concerning contingent expenses rescinded

Passed at Dover, March 23, 1865.

CHAPTER 611.

Joint Resolution adjourning both Houses this evening until the second Tuesday in June next.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn this evening they will adjourn to meet again on the second Tuesday of June next, at 10 o'clock, A. M.

Adjourned until second Tuesday of June.

Passed at Dover, March 23, 1865.

TITLES OF PRIVATE ACTS.

CHAPTER 612.

An Act for the benefit of Thomas L. Cannon.
Passed at Dover, January 20, 1865.

CHAPTER 613.

**An Act to change the name of Lewis Edward Chaplin Hearn
to Edward Chaplin Colbourn.**
Passed at Dover, January 24, 1865.

CHAPTER 614.

**An Act to divorce Sarah E. Barcas from the bonds of
matrimony.**
Passed at Dover, January 26, 1865.

CHAPTER 615.

An Act to divorce Ezekiel Blackiston and Mary, his wife, from the bonds of matrimony.

Passed at Dover, January 31, 1865.

CHAPTER 616.

An Act to divorce Martha A. Moody and Robert J. Moody, her husband, from the bonds of matrimony.

Passed at Dover, February 1, 1865.

CHAPTER 617.

An Act to divorce Williamina Willis from her husband, William E. Willis.

Passed at Dover, February 2, 1865.

CHAPTER 618..

An Act to divorce Amanda Hodson and Robert W. Hodson, her husband, from the bonds of matrimony.

Passed at Dover, February 8, 1865.

CHAPTER 619.

An Act to divorce Sarah E. Lunney, of New Castle County, from her husband, James Lunney.

Passed at Dover, February 15, 1865.

CHAPTER 620.

An Act to authorize Manlove R. Carlisle to sell and convey certain real estate belonging to the heirs of Bethuel Watson, deceased.

Passed at Dover, February 15, 1865.

CHAPTER 621.

An Act divorcing James Hallett and Ann M. Hallett, his wife, from the bonds of matrimony.

Passed at Dover, February 17, 1865.

CHAPTER 622.

An Act for the relief of Wilhelmina Snyder.

Passed at Dover, February 23, 1865.

CHAPTER 623.

An Act to authorize the sale of certain real estate, late of James Chambers, deceased, situate in Appoquinimink Hundred, New Castle County and State of Delaware.

Passed at Dover, February 23, 1865.

CHAPTER 624.

An Act to divorce Kate A. Francis and Edwin B. Francis, her husband, from the bonds of matrimony.

Passed at Dover, February 28, 1865.

CHAPTER 625.

An Act to divorce Matilda Ann Carr and Charles Lewellen Carr, her husband, from the bonds of matrimony.
Passed at Dover, March 7, 1865.

CHAPTER 626.

An Act for the relief of Joseph Hossinger, administrator of Ferguson Mayne.
Passed at Dover, March 8, 1865.

CHAPTER 627.

An Act for the relief of Joseph I. Taggart.
Passed at Dover, March 8, 1865.

CHAPTER 628.

An Act concerning the Real Estate of James D. Wilds, deceased.
Passed at Dover, March 9, 1865.

CHAPTER 629.

An Act to divorce Leah E. Quillen and Ebenezer E. Quillen, her husband, from the bonds of matrimony.
Passed at Dover, March 9, 1865.

CHAPTER 630.

An Act authorizing the making of a private road in Kent County.

Passed at Dover, March 9, 1865.

CHAPTER 631.

An Act to divorce John H. Powell and Catharine his wife, from the bonds of matrimony.

Passed at Dover, March 10, 1865.

CHAPTER 632.

An Act to divorce Mary E. Simmons from her husband, Henry Simmons.

Passed at Dover, March 14, 1865.

CHAPTER 633.

An Act to revive an Act entitled, "An Act to authorize the sale of certain real estate of Samuel M. Leiper, deceased," passed February 17, 1859.

Passed at Dover, March 15, 1865.

CHAPTER 634.

An Act confirming the title of Giddiah Beauchamp to certain lands.

Passed at Dover, March 16, 1865.

CHAPTER 635.

An Act to vacate a private road in Georgetown Hundred, Sussex County.

Passed at Dover, March 16, 1865.

CHAPTER 636.

An Act to authorize Manlove R. Carlisle, Administrator D. B. N. of Bethuel Watson, deceased, to pay a certain legacy.

Passed at Dover, March 16, 1865.

CHAPTER 637.

An Act to revive An Act entitled "An Act to enable John Mansfield to locate certain salt marsh therein mentioned and complete his title to the same," passed at Dover, March 7, 1861.

Passed at Dover, March 17, 1865.

CHAPTER 638.

An Act for the relief of Charles A. Edwards, an imprisoned non-resident debtor.

Passed at Dover, March 22, 1865.

L A W S

OF THE

STATE OF DELAWARE,

Passed at an adjourned Session of the General Assembly, commenced and held at Dover, on Tuesday, the thirteenth day of June, A. D. 1865.

CHAPTER 639.

Joint Resolution on the Memorial of the Officers of the Farmers' Bank of the State of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a committee of three on the part of the House be appointed to act jointly with a like committee on the part of the Senate, to take into consideration the subject of the memorial of the officers of the Farmers' Bank of the State of Delaware, this day presented to this body, and that said committee make report of their proceedings and decision in the premises to the General Assembly at its next meeting.

Adopted at Dover, June 13, 1865.

CHAPTER 640.

Joint Resolution adjourning the two Houses of the General Assembly until the second Tuesday of January, next.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That when the two Houses adjourn this day, they will adjourn to meet again on the second Tuesday of January, A. D. 1866, at 10 o'clock, A. M.

Adopted at Dover, June 13, 1865.

ERRATUM.

On page 526, Chapter 502, entitled, "An act to authorize Noah Isaacs to alter and straighten a certain public road in Nanticoke Hundred, Sussex County, Delaware," substitute in fifth line of Section one, the name "Caries'" for "Cane's."

SECRETARY'S OFFICE,
DOVER, August 26, 1865.

In obedience to the directions of Chapter 4 of the Revised Code, entitled, "Of the passing and the publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at its session commenced on Tuesday, the third day of January, A. D. 1865, and at its adjourned session commenced on Tuesday, June 13, 1865.

The words between brackets throughout the work are inserted to complete the sense or correct errors in the original rolls. The words and sentences noted with asterisks are printed as they appear on the rolls.

CUSTIS W. WRIGHT,
Secretary of State.

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TO THE

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OF THE

LAWS OF THE STATE OF DELAWARE,

COMPRISING

The Acts passed by the General Assembly of said State at the Biennial, Adjourned and Special Sessions of 1861, 1862, 1863, 1864 and 1865.

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